93D CONGRESS
1ST SESSION

H. R. 10710

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 3, 1973

Mr. ULLMAN (for himself and Mr. SCHNEEBELI) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act, with the following table of contents, may be
4 cited as the "Trade Reform Act of 1973".

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1 **SEC. 2. STATEMENT OF PURPOSES.**

2 The purposes of this Act are, through trade agreements
3 affording mutual trade benefits—

4 (1) to stimulate the economic growth of the United
5 States and to maintain and enlarge foreign markets for
6 the products of United States agriculture, industry, min-
7 ing, and commerce; and

8 (2) to strengthen economic relations with foreign
9 countries through the development of fair and equitable
10 market opportunities and through open and nondiscrim-
11 inatory world trade.

12 TITLE I—NEGOTIATING AND OTHER 13 AUTHORITY

14 CHAPTER 1—RATES OF DUTY AND OTHER 15 TRADE BARRIERS

16 **SEC. 101. BASIC AUTHORITY FOR TRADE AGREEMENTS.**

17 (a) Whenever the President determines that any exist-
18 ing duties or other import restrictions of any foreign country
19 or the United States are unduly burdening and restricting
20 the foreign trade of the United States and that the purposes
21 stated in section 2 will be promoted thereby, the President—

22 (1) during the 5-year period beginning on the date
23 of the enactment of this Act, may enter into trade agree-

1 ments with foreign countries or instrumentalities thereof;
2 and
3 (2) may proclaim such modification or continuance
4 of any existing duty, such continuance of existing duty-
5 free or excise treatment, or such additional duties, as he
6 determines to be required or appropriate to carry out
7 any such trade agreement.
8 (b) (1) Except as provided in paragraph (2), no
9 proclamation pursuant to subsection (a) (2) shall be made—
10 (A) in the case of a rate of duty existing on July 1,
11 1973, which is 25 percent ad valorem or less, decreas-
12 ing such rate of duty to a rate below 40 percent of the
13 rate existing on July 1, 1973; or
14 (B) in the case of a rate of duty existing on July 1,
15 1973, which is more than 25 percent ad valorem, de-
16 creasing such rate of duty to a rate below the higher of
17 the following:
18 (i) 25 percent of the rate existing on July 1,
19 1973, or
20 (ii) 10 percent ad valorem.
21 (2) Paragraph (1) shall not apply in the case of any
22 article for which the rate of duty existing on July 1, 1973,
23 is not more than 5 percent ad valorem.

1 (c) (1) Except as otherwise provided in paragraph
2 (2), no proclamation shall be made pursuant to subsection
3 (a) (2) increasing any rate of duty to (or imposing) a rate
4 above the higher of the following: (A) the rate which is
5 50 percent above the rate existing on July 1, 1934, or (B)
6 the rate which is 20 percent ad valorem above the rate
7 existing on July 1, 1973.

8 (2) The limitation set forth in paragraph (1) may be
9 exceeded with respect to the conversion by the United States
10 of a barrier to (or other distortion of) international trade
11 into a rate of duty which affords substantially equivalent
12 protection, to the extent that it is necessary to exceed such
13 limitation to effectuate such conversion.

14 **SEC. 102. NONTARIFF BARRIERS TO AND OTHER DISTOR-**
15 **TIONS OF TRADE.**

16 (a) The Congress finds that barriers to (and other dis-
17 tortions of) international trade are reducing the growth of
18 foreign markets for the products of United States agricul-
19 ture, industry, mining, and commerce, diminishing the in-
20 tended mutual benefits of reciprocal trade concessions, and
21 preventing the development of open and nondiscriminatory
22 trade among nations. The President is urged to take all ap-
23 propriate and feasible steps within his power (including the

1 full exercise of the rights of the United States under inter-
2 national agreements) to reduce or eliminate barriers to (and
3 other distortions of) international trade. The President is
4 further urged to utilize the authority granted by subsection
5 (b) to negotiate trade agreements with other countries and
6 instrumentalities providing on a basis of mutuality for the
7 reduction or elimination of such barriers to (and other dis-
8 tortions of) international trade. Nothing in this subsection
9 shall be construed as prior approval of any legislation which
10 may be necessary to implement an agreement concerning
11 barriers to (or other distortions of) international trade.

12 (b) (1) Whenever the President determines that any
13 existing barriers to (or other distortions of) international
14 trade of any foreign country or the United States are un-
15 duly burdening and restricting the foreign trade of the
16 United States and that the purposes stated in section 2 will
17 be promoted thereby, the President, during the 5-year period
18 beginning on the date of the enactment of this Act, may
19 enter into trade agreements with foreign countries or instru-
20 mentalities providing for the reduction or elimination of
21 such barriers or other distortions.

22 (2) Except as provided in subsection (g) (1), no trade
23 agreement entered into under this section may provide for
24 any modification in a rate of duty imposed by the United
25 States.

1 (c) (1) A principal United States negotiating objec-
2 tive under this section shall be to obtain with respect to
3 each product sector of manufacturing, and with respect to
4 the agricultural sector, competitive opportunities for United
5 States exports to the developed countries of the world
6 equivalent to the competitive opportunities afforded in
7 United States markets to the importation of like or similar
8 products, taking into account all barriers (including tariffs)
9 to and other distortions of international trade affecting that
10 sector.

11 (2) To the maximum extent appropriate to the achieve-
12 ment of the negotiating objective set forth in paragraph (1),
13 trade agreements entered into under this section shall be
14 negotiated, to the extent feasible, on the basis of each product
15 sector of manufacturing and on the basis of the agricul-
16 tural sector.

17 (3) For purposes of this subsection and of section 135,
18 the Special Representative for Trade Negotiations together
19 with the Secretary of Commerce or Agriculture, as appro-
20 priate, shall, after consultation with the Advisory Committee
21 for Trade Negotiations established by section 135 and after
22 consultation with interested private organizations, define ap-
23 propriate product sectors of manufacturing.

24 (4) The President shall include in his statement on each
25 trade agreement submitted to each House of the Congress

1 pursuant to section 162 (a), a sector-by-sector analysis of
2 the extent to which the objective set forth in paragraph (1)
3 has been achieved.

4 (d) Before the President enters into any trade agree-
5 ment under this section providing for the reduction or elim-
6 ination of a barrier to (or other distortion of) international
7 trade, he shall consult with the Committee on Ways and
8 Means of the House of Representatives and the Committee
9 on Finance of the Senate.

10 (e) (1) Whenever—

11 (A) the President enters into a trade agreement
12 under this section providing for the reduction or elim-
13 ination of a barrier to (or other distortion of) interna-
14 tional trade, and

15 (B) the President submits such agreement (and
16 the proclamations and orders proposed to be issued
17 for the purpose of implementing such agreement) to the
18 Congress for its approval in accordance with subsection
19 (f),

20 such agreement shall enter into force with respect to the
21 United States, and such proclamations and orders shall take
22 effect if (and only if) the provisions of subsection (f) are
23 complied with.

24 (2) The procedure set forth in subsection (f) may be
25 used with respect to a trade agreement whether or not the

1 implementation of such agreement requires further action by
2 the Congress.

3 (f) Any trade agreement submitted to the Congress
4 under this subsection shall enter into force with respect to
5 the United States, and the proclamations and orders required
6 or appropriate to carry out such agreement which are sub-
7 mitted with such agreement shall take effect, if (and only
8 if)—

9 (1) the President, not less than 90 days before
10 the day on which he enters into such trade agreement,
11 notifies the House of Representatives and the Senate of
12 his intention to enter into such an agreement, and
13 promptly thereafter publishes notice of such intention in
14 the Federal Register;

15 (2) after entering into the agreement, the Presi-
16 dent delivers a copy of such agreement to the House
17 of Representatives and to the Senate together with—

18 (A) a copy of the proclamations and orders, if
19 any, proposed to be issued for the purpose of imple-
20 menting such agreement and an explanation as to
21 how the proclamations and orders affect existing
22 law, and

23 (B) a statement of his reasons as to how the
24 agreement serves the interests of United States com-
25 merce and as to why each such proclamation and

1 order is required or appropriate to carry out the
2 agreement; and
3 (3) before the close of the 90-day period after the
4 day on which the copy of such agreement is delivered
5 to the House of Representatives and to the Senate pur-
6 suant to paragraph (2), neither the House of Rep-
7 resentatives nor the Senate adopts, by an affirmative
8 vote of a majority of those present and voting in that
9 House, a resolution of disapproval under the procedures
10 set forth in section 151.
11 (g) If, in any trade agreement entered into under this
12 section, it is provided that any trade barrier (or other dis-
13 tortion) of the United States with respect to an article is
14 to be converted into a rate of duty affording substantially
15 equivalent tariff protection, then—
16 (1) such agreement may also provide for the re-
17 duction of part or all of that portion of the rate of duty
18 resulting from the conversion of the trade barrier (or
19 other distortion) of the United States which is attributa-
20 ble to such conversion, and
21 (2) no agreement may be entered into under sec-
22 tion 101 reducing to any extent the rate of duty with
23 respect to such article unless the agreement entered
24 into under this section is submitted to the Congress, and

1 on or before the time of such submission there is also
2 submitted to the Congress—
3 (A) a clear statement of the reductions (if any)
4 proposed to be taken under section 101 with respect
5 to the column 1 rates of duty for such article, and
6 (B) the determination by the Tariff Commis-
7 sion of the rates of duty which afford substantially
8 equivalent protection to the barrier (or other dis-
9 tortion) of the United States which is being con-
10 verted.
11 (h) For purposes of this section, the term "barrier"
12 includes the American selling price basis of customs valua-
13 tion (19 U.S.C. sec. 1401a(e) and 1402(g)).
14 **SEC. 103. STAGING REQUIREMENTS AND ROUNDING AU-**
15 **THORITY.**
16 (a) Except as otherwise provided in this section, the
17 aggregate reduction in the rate of duty on any article which
18 is in effect on any day pursuant to a trade agreement under
19 section 101 shall not exceed the aggregate reduction which
20 would have been in effect on such day if—
21 (1) a reduction of 3 percent ad valorem or a reduc-
22 tion of one-fifteenth of the total reduction under such
23 agreement, whichever is greater, had taken effect on the
24 date of the first proclamation pursuant to section 101(a)
25 (2) to carry out such trade agreement, and

1 (2) the remainder of such total reduction had taken
2 effect at 1-year intervals after the date referred to in
3 paragraph (1) in installments equal to the greater of 3
4 percent ad valorem or one-fourteenth of such remainder.
5 This subsection shall not apply in any case where the total re-
6 duction in the rate of duty does not exceed 10 percent of the
7 rate before the reduction.

8 (b) If the President determines that such action will
9 simplify the computation of the amount of duty imposed with
10 respect to an article, he may exceed the limitation provided
11 by section 101 (b) or subsection (a) of this section by not
12 more than whichever of the following is lesser:

13 (1) the difference between the limitation and the
14 next lower whole number, or

15 (2) one-half of 1 percent ad valorem.

16 (c) (1) No reduction pursuant to a trade agreement
17 under this title shall take effect more than 15 years after the
18 date of the first proclamation to carry out such trade agree-
19 ment.

20 (2) If any part of a reduction takes effect, then any time
21 thereafter during which such part of the reduction is not in
22 effect by reason of legislation of the United States or action
23 thereunder shall be excluded in determining—

24 (A) the 1-year intervals referred to in subsection
25 (a) (2), and

1 (B) the expiration of the 15-year period referred
2 to in paragraph (1) of this subsection.

3 **CHAPTER 2—OTHER AUTHORITY**

4 **SEC. 121. STEPS TO BE TAKEN TOWARD GATT REVISION;**
5 **AUTHORIZATION OF APPROPRIATIONS FOR**
6 **GATT.**

7 (a) The President shall, as soon as practicable, take
8 such action as may be necessary to bring trade agreements
9 heretofore entered into, and the application thereof, into
10 conformity with principles promoting the development of
11 an open, nondiscriminatory, and fair world economic system,
12 including (but not limited to):

13 (1) the revision of decisionmaking machinery in
14 the General Agreement on Tariffs and Trade (herein-
15 after in this subsection referred to as "GATT") to more
16 nearly reflect the balance of economic interest,

17 (2) the revision of article XIX of the GATT into
18 a truly international safeguard mechanism which takes
19 into account all forms of import restraints countries use
20 in response to injurious competition or threat of such
21 competition,

22 (3) the extension of GATT articles to conditions
23 of trade not presently covered in order to move to-
24 ward more fair trade practices,

25 (4) the adoption of international fair labor stand-

1 ards and of public petition and confrontation procedures
2 in the GATT,
3 (5) the revision of GATT articles with respect to
4 the treatment of border adjustments for internal taxes to
5 redress the disadvantage to countries relying primarily on
6 direct rather than indirect taxes for revenue needs, and
7 (6) the revision of the balance-of-payments pro-
8 vision in the GATT articles so as to recognize import
9 surcharges as the preferred means by which industrial
10 countries may handle balance-of-payments deficits inso-
11 far as import restraint measures are required.
12 (b) There are hereby authorized to be appropriated an-
13 nually such sums as may be necessary for the payment by
14 the United States of its share of the expenses of the contract-
15 ing parties to the General Agreement on Tariffs and Trade.
16 **SEC. 122. BALANCE-OF-PAYMENTS AUTHORITY.**
17 (a) Whenever the President determines that funda-
18 mental international payments problems require special im-
19 port measures to restrict imports—
20 (1) to deal with a large and serious United States
21 balance-of-payments deficit,
22 (2) to prevent an imminent and significant depre-
23 ciation of the dollar in foreign exchange markets, or
24 (3) to cooperate with other countries in correcting
25 an international balance-of-payments disequilibrium,

1 the President is authorized, for a period not exceeding 150
2 days (unless a longer period is authorized by Act of
3 Congress)—
4 (A) to proclaim a temporary import surcharge, not
5 to exceed 15 percent ad valorem, in the form of duties
6 (in addition to those already imposed, if any) on articles
7 imported into the United States; and
8 (B) to proclaim temporary limitations through the
9 use of quotas on the importation of articles into the
10 United States.
11 Subparagraph (B) shall apply (i) only if international trade
12 or monetary agreements to which the United States is a party
13 permit the imposition of quotas as a balance-of-payments
14 measure, and (ii) only to the extent that the fundamental
15 imbalance cannot be dealt with effectively by a surcharge
16 proclaimed pursuant to subparagraph (A). Any temporary
17 import surcharge proclaimed pursuant to subparagraph (A)
18 shall be treated as a regular customs duty.
19 (b) Whenever the President determines that funda-
20 mental international payments problems require special im-
21 port measures to increase imports—
22 (1) to deal with a large and persistent United
23 States balance-of-payments surplus, or
24 (2) to prevent significant appreciation of the dollar
25 in foreign exchange markets,

1 the President is authorized, for a period of 150 days (unless
2 a longer period is authorized by Act of Congress)—
3 (A) to proclaim a temporary reduction (of not
4 more than 5 percent ad valorem) in the rate of duty on
5 any article; and
6 (B) to proclaim a temporary increase in the value
7 or quantity of articles which may be imported under
8 any import restriction, or a temporary suspension of any
9 import restrictions;
10 except with respect to those articles where in his judgment
11 such action would cause or contribute to material injury to
12 firms or workers in any domestic industry, including agricul-
13 ture, mining, fishing, or commerce, or to impairment of the
14 national security, or would otherwise be contrary to the
15 national interest.
16 (c) (1) Import restricting actions proclaimed pursuant
17 to subsection (a) shall be applied consistently with the prin-
18 ciple of nondiscriminatory treatment. In addition, any quota
19 proclaimed pursuant to subparagraph (B) of sub-
20 section (a) shall be applied on a basis which aims at a
21 distribution of trade with the United States approaching as
22 closely as possible that which various foreign countries might
23 have expected to obtain in the absence of such restrictions.
24 (2) Notwithstanding paragraph (1), if the President
25 determines that the purposes of this section would best be

1 served by action against one or more countries having large
2 or persistent balance-of-payments surpluses, he may exempt
3 all other countries from such surcharge.

4 (3) After such time when there enters into force for the
5 United States new rules regarding the application of sur-
6 charges as part of a reform of internationally agreed balance-
7 of-payments adjustment procedures, the exemption authority
8 contained in paragraph (2) shall be applied consistently
9 with such new international rules.

10 (4) It is the sense of Congress that the President seek
11 modifications in international agreements aimed at allowing
12 the use of surcharges in place of quantitative restrictions (and
13 providing rules to govern the use of such surcharges) as a
14 balance-of-payments adjustment measure within the context
15 of arrangements for an equitable sharing of balance-of-pay-
16 ments adjustment responsibility among deficit and surplus
17 countries.

18 (d) Import restricting actions proclaimed pursuant to
19 subsection (a) shall be of broad and uniform application with
20 respect to product coverage except where the President de-
21 termines, consistently with the purposes of this section, that
22 certain articles or groups of articles should not be subject to
23 import restricting actions because of the needs of the United
24 States economy. Such exceptions shall be limited to the un-
25 availability of domestic supply at reasonable prices, the nec-

1 essary importation of raw materials, avoiding serious dislocations in the supply of imported goods, and other similar factors. In addition, uniform exceptions may be made where import restricting actions would be unnecessary or ineffective in carrying out the purposes of this section, such as with respect to articles already subject to import restrictions, goods in transit, or goods under binding contract. Neither the authorization of import restricting actions nor the determination of exceptions with respect to product coverage shall be made for the purpose of protecting individual domestic industries from import competition.

(e) Any quantitative limitation proclaimed pursuant to subparagraph (B) of subsection (a) on the quantity or value, or both, of an article or group of articles—

(1) shall permit the importation of a quantity or value not less than the quantity or value of such article or articles imported into the United States from the foreign countries to which such limitation applies during the most recent period which the President determines is representative of imports of such article or articles, and

(2) shall take into account any increase since the end of such representative period in domestic consumption of such article or articles and like or similar articles of domestic manufacture or production.

1 (f) The President may at any time, consistent with the
2 provisions of this section, suspend, modify, or terminate, in
3 whole or in part, any proclamation under this section either
4 during the initial 150-day period of effectiveness or as ex-
5 tended by subsequent Act of Congress.

6 (g) No provision of law authorizing the termination of
7 tariff concessions shall be used to impose a surcharge on
8 imports into the United States.

9 **SEC. 123. AUTHORITY TO SUSPEND IMPORT BARRIERS**
10 **TO RESTRAIN INFLATION.**

11 (a) If, during a period of sustained or rapid price in-
12 creases, the President determines that supplies of articles,
13 imports of which are dutiable or subject to any other import
14 restriction, are inadequate to meet domestic demand at rea-
15 sonable prices, he may, either generally or by article or cate-
16 gory of articles—

17 (1) proclaim a temporary reduction in, or suspen-
18 sion of, the duty applicable to any article; and

19 (2) proclaim a temporary increase in the value or
20 quantity of articles which may be imported under any
21 import restriction.

22 Proclamations under this section in effect at any time shall
23 not apply to more than 30 percent of the estimated total
24 value of United States imports of all articles during the time
25 such actions are in effect.

1 (b) (1) The President shall exclude from the applica-
2 tion of any proclamation issued under subsection (a) any
3 article if in his judgment such action would cause or
4 contribute to material injury to firms or workers in any
5 domestic industry, including agriculture, mining, fishing, or
6 commerce, or to impairment of the national security, or
7 would otherwise be contrary to the national interest.

8 (2) The President shall exclude from the application
9 of any proclamation under subsection (a) any article which
10 is the subject of any proclamation under section 22 of the
11 Agricultural Adjustment Act.

12 (c) The President may, to the extent that such action
13 is consistent with the purposes of this section and the limita-
14 tions contained in this section, proclaim the modification or
15 termination, in whole or in part, of any proclamation issued
16 under subsection (a).

17 (d) The President shall promptly notify each House of
18 Congress of any action taken under this section and the
19 reasons therefor.

20 (e) The effective period for any proclamation issued
21 under this section with respect to any article shall not
22 exceed 150 days (unless a longer period is authorized by
23 Act of Congress); nor shall any article which has been the
24 subject of any proclamation issued under this section be the
25 subject of another proclamation issued under this section

1 until 1 year has expired after the termination of the effective
2 period of such prior proclamation.

3 **SEC. 124. COMPENSATION AUTHORITY.**

4 (a) Whenever any action has been taken under section
5 203 (b) to increase or impose any duty or other import
6 restriction, the President—

7 (1) may enter into agreements with foreign coun-
8 tries for the purpose of granting new concessions as com-
9 pensation in order to maintain the general level of recip-
10 rocal and mutually advantageous concessions; and

11 (2) may proclaim such modification or continu-
12 ance of any existing duty, or such continuance of exist-
13 ing duty-free or excise treatment, as he determines to be
14 required or appropriate to carry out any such agreement.

15 (b) No proclamation shall be made pursuant to subsec-
16 tion (a) decreasing any rate of duty to a rate which is more
17 than 30 percent below the existing rate of duty.

18 (c) No agreement may be entered into under this sec-
19 tion during any period in which agreements may be entered
20 into under section 101.

21 **SEC. 125. AUTHORITY TO RENEGOTIATE DUTIES.**

22 (a) Whenever the President determines that any exist-
23 ing duties or other import restrictions of any foreign country
24 or the United States are unduly burdening and restricting

1 the foreign trade of the United States and that the purposes
2 stated in section 2 will be promoted thereby, the President—
3 (1) may enter into trade agreements with foreign
4 countries or instrumentalities thereof, and
5 (2) may proclaim such modification or continuance
6 of any existing duty, such continuance of existing duty-
7 free or excise treatment, or such additional duties, as
8 he determines to be required or appropriate to carry out
9 any such trade agreement.
10 (b) Agreements entered into under this section in any
11 1-year period shall not provide for the reduction of duties,
12 or the continuance of duty-free treatment, for articles which
13 account for more than 2 percent of the value of United States
14 imports for the most recent 12-month period for which import
15 statistics are available.
16 (c) (1) No proclamation shall be made pursuant to sub-
17 section (a) decreasing any rate of duty to a rate which is
18 more than 20 percent below the existing rate of duty.
19 (2) No proclamation shall be made pursuant to sub-
20 section (a) decreasing or increasing any rate of duty to a
21 rate which is lower or higher than the corresponding rate
22 which would have resulted if the maximum authority
23 granted by section 101 with respect to such article had been
24 exercised.

1 (d) Agreements may be entered into under this section
2 only during the 2-year period which immediately follows the
3 close of the period during which agreements may be entered
4 into under section 101.

5 **SEC. 126. TERMINATION AND WITHDRAWAL AUTHORITY.**

6 (a) Every trade agreement entered into under this Act
7 shall be subject to termination or withdrawal, upon due no-
8 tice, at the end of a period specified in the agreement. Such
9 period shall be not more than 3 years from the date on which
10 the agreement becomes effective. If the agreement is not
11 terminated or withdrawn from at the end of the period so
12 specified, it shall be subject to termination or withdrawal
13 thereafter upon not more than 6 months' notice.

14 (b) The President may at any time terminate, in whole
15 or in part, any proclamation made under this Act.

16 (c) Whenever the United States, acting in pursuance
17 of any of its rights or obligations under any trade agreement
18 entered into pursuant to this Act, section 201 of the Trade
19 Expansion Act of 1962, or section 350 of the Tariff Act
20 of 1930, withdraws or suspends any obligation with respect
21 to the trade of any foreign country or instrumentality thereof,
22 the President is authorized, to the extent, at such times, and

1 for such periods as he deems necessary or appropriate, in
2 order to exercise the rights or fulfill the obligations of the
3 United States and consistently with the purposes stated in
4 section 2 and the international obligations of the United
5 States, in addition to exercising the authority contained in
6 subsection (b), to proclaim an increase in any existing duty
7 to a rate not more than 50 percent above the rate existing
8 on July 1, 1934, or 20 percent ad valorem above the rate
9 existing on July 1, 1973, whichever is higher, and to
10 proclaim the withdrawal or suspension of the application,
11 in whole or in part, of the agreement.

12 (d) Duties or other import restrictions required or
13 appropriate to carry out any trade agreement entered into
14 pursuant to this Act, section 201 of the Trade Expansion
15 Act of 1962, or section 350 of the Tariff Act of 1930 shall
16 not be affected by any termination, in whole or in part, of
17 such agreement and shall remain in effect after the date of
18 such termination for 1 year, unless the President by procla-
19 mation provides that such rates shall be restored to the level
20 they would be but for the agreement. Within 60 days of
21 any such termination, the President shall transmit to the
22 Congress his recommendations as to the appropriate rates
23 of duty for all articles which were affected by the termina-
24 tion or would have been so affected but for the preceding
25 sentence.

1 (c) Before taking any action pursuant to subsection (b)
2 or (c), the President shall provide for a public hearing
3 during the course of which interested persons shall be given
4 a reasonable opportunity to be present, to produce evidence,
5 and to be heard.

6 **SEC. 127. NONDISCRIMINATORY TREATMENT.**

7 Except as otherwise provided in this Act or in any other
8 provision of law, any duty or other import restriction or
9 duty-free treatment proclaimed in carrying out any trade
10 agreement under this title shall apply to products of all
11 foreign countries, whether imported directly or indirectly.

12 **SEC. 128. RESERVATION OF ARTICLES FOR NATIONAL SE-**
13 **CURITY OR OTHER REASONS.**

14 (a) No proclamation shall be made pursuant to the
15 provisions of this Act reducing or eliminating the duty or
16 other import restriction on any article if the President deter-
17 mines that such reduction or elimination would threaten to
18 impair the national security.

19 (b) While there is in effect with respect to any article
20 any action taken under section 203 of this Act, or section
21 232 or 351 of the Trade Expansion Act of 1962 (19 U.S.C.
22 sec. 1862, 1981), the President shall reserve such article from
23 negotiations under this title (and from any action under

1 section 122 (b) or 123) contemplating reduction or elimina-
2 tion of any duty or other import restriction. In addition, the
3 President shall also so reserve any other article which he
4 determines to be appropriate, taking into consideration infor-
5 mation and advice available pursuant to and with respect to
6 the matters covered by sections 131, 132, and 133 (b), where
7 applicable.

8 (c) The President shall submit to the Congress an an-
9 nual report on section 232 of the Trade Expansion Act of
10 1962. Within 60 days after he takes any action under such
11 section 232, the President shall report to the Congress the
12 action taken and the reasons therefor.

13 CHAPTER 3—HEARINGS AND ADVICE
14 CONCERNING NEGOTIATIONS

15 **SEC. 131. TARIFF COMMISSION ADVICE.**

16 (a) In connection with any proposed trade agreement
17 under chapter 1 or section 124 or 125, the President shall
18 from time to time publish and furnish the Tariff Commission
19 with lists of articles which may be considered for modifica-
20 tion or continuance of United States duties, continuance of
21 United States duty-free or excise treatment, or additional
22 duties. In the case of any article with respect to which con-
23 sideration may be given to reducing or increasing the rate of
24 duty, the list shall specify the provision of this title pursuant
25 to which such consideration may be given.

1 (b) Within 6 months after receipt of such a list, the
2 Tariff Commission shall advise the President with respect
3 to each article of its judgment as to the probable economic
4 effect of modifications of duties on industries producing
5 like or directly competitive articles and on consumers, so as
6 to assist the President in making an informed judgment as
7 to the impact which might be caused by such modifications
8 on United States manufacturing, agriculture, mining, fish-
9 ing, labor, and consumers. Such advice may include in the
10 case of any article the advice of the Tariff Commission as to
11 whether any reduction in the rate of duty should take place
12 over a longer period than the minimum periods provided by
13 section 103 (a).
14 (c) In addition, in order to assist the President in his
15 determination of whether to enter into any agreement under
16 section 102, the Tariff Commission shall make such investi-
17 gations and reports as may be requested by the President, in-
18 cluding, where feasible, advice as to the probable economic
19 effects of modifications of any barrier to (or other distor-
20 tion of) international trade on domestic industries and pur-
21 chasers and on prices and quantities of articles in the United
22 States.
23 (d) In preparing its advice to the President under this
24 section, the Tariff Commission shall, to the extent
25 practicable—

1 (1) investigate conditions, causes, and effects re-
2 lating to competition between the foreign industries pro-
3 ducing the articles in question and the domestic industries
4 producing the like or directly competitive articles;
5 (2) analyze the production, trade, and consumption
6 of each like or directly competitive article, taking into
7 consideration employment, profit levels, and use of pro-
8 ductive facilities with respect to the domestic industries
9 concerned, and such other economic factors in such in-
10 dustries as it considers relevant, including prices, wages,
11 sales, inventories, patterns of demand, capital invest-
12 ment, obsolescence of equipment, and diversification of
13 production;
14 (3) describe the probable nature and extent of any
15 significant change in employment, profit levels, and
16 use of productive facilities, and such other conditions as
17 it deems relevant in the domestic industries concerned
18 which it believes such modifications would cause; and
19 (4) make special studies (including studies of real
20 wages paid in foreign supplying countries), whenever
21 deemed to be warranted, of particular proposed modifi-
22 cations affecting United States manufacturing, agricul-
23 ture, mining, fishing, labor, and consumers, utilizing to
24 the fullest extent practicable United States Government

1 facilities abroad and appropriate personnel of the United
2 States.
3 (e) In preparing its advice to the President under this
4 section, the Tariff Commission shall, after reasonable notice,
5 hold public hearings.

6 **SEC. 132. ADVICE FROM DEPARTMENTS AND OTHER**
7 **SOURCES.**

8 Before any trade agreement is entered into under chap-
9 ter 1 or section 124 or 125, the President shall seek infor-
10 mation and advice with respect to such agreement from the
11 Departments of Agriculture, Commerce, Defense, Interior,
12 Labor, State, and the Treasury, from the Special Represen-
13 tative for Trade Negotiations, and from such other sources
14 as he may deem appropriate.

15 **SEC. 133. PUBLIC HEARINGS.**

16 (a) In connection with any proposed trade agreement
17 under chapter 1 or section 124 or 125, the President shall
18 afford an opportunity for any interested person to present
19 his views concerning any article on a list published pursuant
20 to section 131, any article which should be so listed, any
21 concession which should be sought by the United States, or
22 any other matter relevant to such proposed trade agree-
23 ment. For this purpose, the President shall designate an
24 agency or an interagency committee which shall, after

1 reasonable notice, hold public hearings and prescribe regu-
2 lations governing the conduct of such hearings.
3 (b) The organization holding such hearings shall fur-
4 nish the President with a summary thereof.

5 **SEC. 134. PREREQUISITES FOR OFFERS.**

6 In any negotiations seeking an agreement under chapter
7 1 or section 124 or 125, the President may make an offer
8 for the modification or continuance of any United States
9 duty, the continuance of United States duty-free or excise
10 treatment, or the imposition of additional duties, with respect
11 to any article only after he has received a summary of the
12 hearings at which an opportunity to be heard with respect
13 to such article has been afforded under section 133. In addi-
14 tion, the President may make such an offer only after he has
15 received advice concerning such article from the Tariff Com-
16 mission under section 131(b), or after the expiration of the
17 relevant 6-month period provided for in that section, which-
18 ever first occurs.

19 **SEC. 135. ADVICE FROM PRIVATE SECTOR.**

20 (a) The President, in accordance with the provisions of
21 this section, shall seek information and advice from repre-
22 sentative elements of the private sector with respect to nego-
23 tiating objectives and bargaining positions before entering
24 into a trade agreement referred to in section 101 or 102.
25 (b) (1) The President shall establish an Advisory Com-

1 mittee for Trade Negotiations to provide overall policy advice
2 on any trade agreement referred to in section 101 or 102.
3 The Committee shall be composed of not more than 45 in-
4 dividuals, and shall include representatives of government,
5 labor, industry, agriculture, consumer interests, and the
6 general public.

7 (2) The Committee shall meet at the call of the Special
8 Representative for Trade Negotiations, who shall be the
9 Chairman. The Committee shall terminate at the expiration
10 of 5 years from the date of the enactment of this Act.
11 Members of the Committee shall be appointed by the Presi-
12 dent for a period of 2 years and may be reappointed for one
13 or more additional periods.

14 (3) The Special Representative for Trade Negotiations
15 shall make available to the Committee such staff, information,
16 personnel, and administrative services and assistance as it
17 may reasonably require to carry out its activities.

18 (c) In addition to the Committee established under
19 subsection (b), the President shall, on his own initiative or
20 at the request of organizations in a particular product sector,
21 establish such industry, labor, or agricultural advisory com-
22 mittees as he determines to be necessary for any trade nego-
23 tiations referred to in section 101 or 102. Such committees
24 shall, so far as practicable, be representative of all industry,
25 labor, or agricultural interests in the sector concerned. In

1 organizing such committees the President, acting through
2 the Special Representative for Trade Negotiations and the
3 Secretary of Commerce, Labor, or Agriculture, as appropri-
4 ate, (1) shall consult with interested private organizations,
5 and (2) shall take into account such factors as patterns of
6 actual and potential competition between United States
7 industry and agriculture and foreign enterprise in interna-
8 tional trade, the character of the nontariff barriers and other
9 distortions affecting such competition, the necessity for rea-
10 sonable limits on the number of such product sector advi-
11 sory committees, the necessity that each committee be
12 reasonably limited in size, and that the product lines cov-
13 ered by each committee be reasonably related.

14 (d) Committees established pursuant to subsection (c)
15 shall meet at the call of the Special Representative for Trade
16 Negotiations, before and during any trade negotiations, to
17 provide the following:

18 (1) policy advice on negotiations;

19 (2) technical advice and information on negotia-
20 tions on particular products both domestic and foreign;
21 and

22 (3) advice on other factors relevant to positions of
23 the United States in trade negotiations.

24 (e) The provisions of the Federal Advisory Committee
25 Act (Public Law 92–463) shall apply—

1 (1) to the Advisory Committee for Trade Negotia-
2 tions established pursuant to subsection (b) ; and
3 (2) to all other advisory committees which may be
4 established pursuant to subsection (c) ; except that the
5 meetings of advisory groups established under subsection
6 (c) shall be exempt from the requirements of subsections
7 (a) and (b) of section 10 of the Federal Advisory
8 Committee Act (relating to open meetings, public notice,
9 public participation, and public availability of docu-
10 ments), whenever and to the extent it is determined
11 by the President or his designee that such meetings will
12 be concerned with matters the disclosure of which would
13 seriously compromise the Government's negotiating ob-
14 jectives or bargaining positions on the negotiation of any
15 trade agreement.
16 (f) Information received in confidence by the Advi-
17 sory Committee for Trade Negotiations or by any advisory
18 committee established under subsection (c) shall not be dis-
19 closed to any person other than to officers or employees of the
20 United States designated by the Special Representative for
21 Trade Negotiations, by the Committee on Ways and Means
22 of the House of Representatives, or by the Committee on
23 Finance of the Senate to receive such information for use in
24 connection with negotiation of a trade agreement referred to
25 in section 101 or 102.

1 (g) The Special Representative for Trade Negotiations,
2 and the Secretary of Commerce, Labor, or Agriculture, as
3 appropriate, shall provide such staff, information, person-
4 nel, and administrative services and assistance to advisory
5 committees established pursuant to subsection (c) as such
6 committees may reasonably require to carry out their
7 activities.

8 (h) It shall be the responsibility of the Special Repre-
9 sentative for Trade Negotiations, in conjunction with the
10 Secretary of Commerce, Labor, or Agriculture, as appro-
11 priate, to adopt procedures for consultation with and ob-
12 taining information and advice from the advisory committees
13 established pursuant to subsection (c) on a continuing and
14 timely basis, both during preparation for negotiations and
15 actual negotiations. Such consultation shall include the provi-
16 sion of information to each advisory committee as to (1) sig-
17 nificant issues and developments arising in preparation for or
18 in the course of such negotiations, and (2) overall negotiating
19 objectives and positions of the United States and other parties
20 to the negotiations. The Special Representative for Trade
21 Negotiations shall not be bound by the advice or recommen-
22 dations of such advisory committees but the Special Represen-
23 tative for Trade Negotiations shall inform the advisory com-
24 mittees of failures to accept such advice or recommendations,
25 and the President shall include in his statement to the Con-

1 gress, required by section 163, a report by the Special
2 Representative for Trade Negotiations on consultation with
3 such committees, issues involved in such consultation,
4 and the reasons for not accepting advice or recommendations.
5 (i) In addition to any advisory committee established
6 pursuant to this section, the President shall provide adequate,
7 timely, and continuing opportunity for the submission on an
8 informal basis by private organizations or groups, represent-
9 ing labor, industry, agriculture, consumer interests, and
10 others, of statistics, data, and other trade information, as well
11 as policy recommendations, pertinent to the negotiation of
12 any trade agreement referred to in section 101 or 102.
13 (j) Nothing contained in this section shall be construed
14 to authorize or permit any individual to participate directly
15 in any negotiation of any trade agreement referred to in
16 section 101 or 102.

17 CHAPTER 4—OFFICE OF THE SPECIAL REP-
18 RESENTATIVE FOR TRADE NEGOTIA-
19 TIONS

20 SEC. 141. OFFICE OF THE SPECIAL REPRESENTATIVE FOR
21 TRADE NEGOTIATIONS.

22 (a) There is established the Office of the Special Rep-
23 resentative for Trade Negotiations (hereinafter in this sec-
24 tion referred to as the "Office").
25 (b) (1) The Office shall be headed by the Special Rep-

1 resentative for Trade Negotiations who shall be appointed
2 by the President, by and with the advice and consent of
3 the Senate. The Special Representative for Trade Negotia-
4 tions shall hold office at the pleasure of the President, shall
5 be entitled to receive the same compensation and allow-
6 ances as a chief of mission, and shall have the rank of Am-
7 bassador Extraordinary and Plenipotentiary.

8 (2) There shall be in the Office two Deputy Special
9 Representatives for Trade Negotiations who shall be ap-
10 pointed by the President, by and with the advice and con-
11 sent of the Senate. Each Deputy Special Representative for
12 Trade Negotiations shall hold office at the pleasure of the
13 President and shall have the rank of Ambassador.

14 (c) (1) The Special Representative for Trade Negotia-
15 tions shall—

16 (A) be the chief representative of the United States
17 for each trade negotiation under this title or section 301;

18 (B) be responsible to the President and to Congress
19 for the administration of trade agreements programs
20 under this Act and the Trade Expansion Act of 1962;

21 (C) advise the President and Congress with respect
22 to nontariff barriers to international trade, international
23 commodity agreements, and other matters which are re-
24 lated to the trade agreements programs;

25 (D) be responsible for making reports to Congress

1 with respect to the matter set forth in subparagraphs
2 (A) and (B);
3 (E) be chairman of the interagency trade organiza-
4 tion established pursuant to section 242 (a) of the Trade
5 Expansion Act of 1962; and
6 (F) be responsible for such other functions as the
7 President may direct.
8 (2) Each Deputy Special Representative for Trade
9 Negotiation shall have as his principal function the conduct
10 of trade negotiations under this Act and shall have such
11 other functions as the Special Representative for Trade
12 Negotiations may direct.
13 (d) The Special Representative for Trade Negotiations
14 may, for the purpose of carrying out his functions under this
15 section—
16 (1) subject to the civil service and classification
17 laws, select, appoint, employ, and fix the compensation
18 of such officers and employees as are necessary and
19 prescribe their authority and duties;
20 (2) employ experts and consultants in accordance
21 with section 3109 of title 5, United States Code, and
22 compensate individuals so employed for each day (in-
23 cluding traveltime) at rates not in excess of the maxi-
24 mum rate of pay for grade GS-18 as provided in section
25 5332 of title 5, United States Code, and while such
26 experts and consultants are so serving away from their

1 homes or regular place of business, to pay such em-
2 ployees travel expenses and per diem in lieu of sub-
3 sistence at rates authorized by section 5703 of title 5,
4 United States Code, for persons in Government service
5 employed intermittently;
6 (3) promulgate such rules and regulations as may
7 be necessary to carry out the functions vested in him;
8 (4) utilize, with their consent, the services, per-
9 sonnel, and facilities of other Federal agencies;
10 (5) enter into and perform such contracts, leases,
11 cooperative agreements, or other transactions as may
12 be necessary in the conduct of the work of the Office
13 and on such terms as the Special Representative for
14 Trade Negotiations may deem appropriate, with any
15 agency or instrumentality of the United States, or with
16 any public or private person, firm, association, corpo-
17 ration, or institution;
18 (6) accept voluntary and uncompensated services,
19 notwithstanding the provisions of section 665(b) of
20 title 31, United States Code; and
21 (7) adopt an official seal, which shall be judicially
22 noticed.
23 (e) The Special Representative for Trade Negotiations
24 shall, to the extent he deems it necessary for the proper
25 administration and execution of the trade agreements pro-
26 grams of the United States, draw upon the resources of,

1 and consult with, Federal agencies in connection with the
2 performance of his functions.

3 (f) (1) Any individual who holds the position of Special
4 Representative for Trade Negotiations or a position as
5 Deputy Special Representative for Trade Negotiations on
6 the day before the date of enactment of this Act and who
7 has been confirmed by and with the advice and consent
8 of the Senate may continue to hold such position without
9 regard to the first sentence of paragraph (1), or the first
10 sentence of paragraph (2) of subsection (b), as the case
11 may be.

12 (2) All personnel who on the day before the date
13 of the enactment of this Act are employed by the Office
14 of the Special Representative for Trade Negotiations estab-
15 lished by Executive Order No. 11075 of January 15, 1963,
16 as amended, are hereby transferred to the Office.

17 CHAPTER 5—CONGRESSIONAL DISAPPROV-
18 AL PROCEDURES WITH RESPECT TO
19 PRESIDENTIAL ACTIONS

20 SEC. 151. RESOLUTIONS DISAPPROVING THE ENTERING
21 INTO FORCE OF TRADE AGREEMENTS ON DIS-
22 TORTIONS OF TRADE OR DISAPPROVING CER-
23 TAIN OTHER ACTIONS.

24 (a) RULES OF HOUSE OF REPRESENTATIVES AND
25 SENATE ON SUCH RESOLUTIONS.—This chapter is enacted
26 by the Congress—

1 (1) as an exercise of the rulemaking power of the
2 House of Representatives and the Senate, respectively,
3 and as such they are deemed a part of the rules of each
4 House, respectively, but applicable only with respect
5 to the procedure to be followed in that House in the
6 case of resolutions described in subsection (b); and
7 they supersede other rules only to the extent that they
8 are inconsistent therewith; and
9 (2) with full recognition of the constitutional right
10 of either House to change the rules (so far as relating
11 to the procedure of that House) at any time, in the
12 same manner and to the same extent as in the case of
13 any other rule of that House.
14 (b) TERMS OF RESOLUTION.—
15 (1) For purposes of this section, the term "resolu-
16 tion" means only a resolution of either House of Con-
17 gress, the matter after the resolving clause of which is
18 as follows: "That the ———————— does not favor
19 ———————— transmitted to Congress by the President
20 on ————————", the first blank space therein being
21 filled with the name of the resolving House, the third
22 blank space therein being appropriately filled with the
23 day and year, and the second blank space therein being
24 filled in accordance with paragraph (2).
25 (2) The second blank space referred to in para-
26 graph (1) shall be filled as follows:

1 (A) in the case of a resolution relating to the
2 entering into force of a trade agreement under sec-
3 tion 102 (f), with the phrase "the entering into force
4 of the trade agreement";
5 (B) in the case of a resolution referred to in
6 section 204 (b), with the phrase "the taking effect
7 or the continuation in effect of the proposed action
8 under paragraph (3) or (4) of section 203 (b) of
9 the Trade Reform Act of 1973";
10 (C) in the case of a resolution referred to in
11 section 302 (b), with the phrase "the taking effect or
12 the continuation in effect of action under section
13 301 of the Trade Reform Act of 1973"; and
14 (D) in the case of a resolution referred to in
15 section 406 (c), with the phrase "the entering into
16 force or the continuing in effect of nondiscriminatory
17 treatment with respect to the products of ———"
18 (with this blank space being filled by the name of
19 the appropriate country).
20 (c) REFERENCE OF RESOLUTION TO COMMITTEE.—
21 A resolution disapproving the entering into force of a trade
22 agreement under section 102 (f) shall be referred to the com-
23 mittee or committees of each House which would have juris-
24 diction over proposed legislation relating to matters covered
25 by the proclamation and orders submitted with such agree-
26 ment. A resolution referred to in section 204 (b), 302 (b),

1 or 406(c) shall be referred to the Committee on Ways
2 and Means of the House of Representatives or to the Com-
3 mittee on Finance of the Senate, as the case may be.
4 (d) DISCHARGE OF COMMITTEE CONSIDERING RESO-
5 LUTION.—
6 (1) If the committee to which a resolution has
7 been referred has not reported it at the end of 7 cal-
8 endar days after its introduction, it is in order to move
9 either to discharge the committee from further considera-
10 tion of the resolution or to discharge the committee from
11 further consideration of any other resolution with respect
12 to the agreement which has been referred to the
13 committee.
14 (2) A motion to discharge may be made only by
15 an individual favoring the resolution, is highly privileged
16 (except that it may not be made after the committee has
17 reported a resolution with respect to the same matter),
18 and debate thereon shall be limited to not more than 1
19 hour, to be divided equally between those favoring and
20 those opposing the resolution. An amendment to the
21 motion is not in order, and it is not in order to move
22 to reconsider the vote by which the motion is agreed to
23 or disagreed to.
24 (3) If the motion to discharge is agreed to or dis-
25 agreed to, the motion may not be renewed, nor may

1 another motion to discharge the committee be made
2 with respect to any other resolution with respect to the
3 same matter.

4 (e) PROCEDURE AFTER REPORT OR DISCHARGE OF
5 COMMITTEE; DEBATE.—

6 (1) When the committee has reported, or has been
7 discharged from further consideration of, a resolution,
8 it is at any time thereafter in order (even though a
9 previous motion to the same effect has been disagreed
10 to) to move to proceed to the consideration of the
11 resolution. The motion is highly privileged and is not
12 debatable. An amendment to the motion is not in order,
13 and it is not in order to move to reconsider the vote
14 by which the motion is agreed to or disagreed to.

15 (2) Debate on the resolution shall be limited to
16 not more than 10 hours, which shall be divided equally
17 between those favoring and those opposing the resolu-
18 tion. A motion further to limit debate is not debatable.
19 An amendment to, or motion to recommit, the resolution
20 is not in order, and it is not in order to move to re-
21 consider the vote by which the resolution is agreed to
22 or disagreed to.

23 (f) DECISIONS WITHOUT DEBATE ON MOTION TO
24 POSTPONE OR PROCEED.—

25 (1) Motions to postpone, made with respect to the
26 discharge from committee or the consideration of a

1 resolution and motions to proceed to the consideration
2 of other business, shall be decided without debate.
3 (2) Appeals from the decisions of the Chair relat-
4 ing to the application of the rules of the House of Rep-
5 resentatives or the Senate, as the case may be, to the
6 procedure relating to any resolution shall be decided
7 without debate.

8 **SEC. 152. SPECIAL RULES RELATING TO CONGRESSIONAL**
9 **DISAPPROVAL PROCEDURES.**

10 (a) Whenever, pursuant to section 102(f), 204(b),
11 302(b), or 406(a) and (b), a document is required to be
12 transmitted to the Congress, copies of such document shall be
13 delivered to both Houses of Congress on the same day and
14 shall be delivered to the Clerk of the House of Representatives
15 if the House is not in session and to the Secretary of the
16 Senate if the Senate is not in session.
17 (b) For purposes of sections 102(f)(3), 204(b),
18 302(b), and 406(c), the 90-day period referred to in such
19 sections shall be computed by excluding—
20 (1) the days on which either House is not in ses-
21 sion because of an adjournment of more than 3 days to a
22 day certain or an adjournment of the Congress sine die,
23 and
24 (2) any Saturday and Sunday, not excluded under
25 paragraph (1), when either House is not in session.

1 CHAPTER 6—CONGRESSIONAL LIAISON
2 AND REPORTS

3 SEC. 161. CONGRESSIONAL DELEGATES TO NEGOTIATIONS.

4 At the beginning of each regular session of the Congress,
5 the President shall, upon the recommendation of the Speaker
6 of the House of Representatives, select five members (not
7 more than three of whom shall be of the same political party)
8 of the Committee on Ways and Means, and shall, upon the
9 recommendation of the President of the Senate, select five
10 members (not more than three of whom shall be of the same
11 political party) of the Committee on Finance, who shall be
12 accredited as official advisers to the United States delegation
13 to international conferences, meetings, and negotiation ses-
14 sions with respect to trade agreements. Any individual so
15 selected may be reselected under this section.

16 SEC. 162. TRANSMISSION OF AGREEMENTS TO CONGRESS.

17 (a) As soon as practicable after a trade agreement
18 entered into under chapter 1 or section 124 or 125 has
19 entered into force with respect to the United States, the
20 President shall, if he has not previously done so, transmit
21 a copy of such trade agreement to each House of the Con-
22 gress together with a statement, in the light of the advice
23 of the Tariff Commission under section 131(b), if any,
24 and of other relevant considerations, of his reasons for
25 entering into the agreement.

26 (b) The President shall transmit to each Member of

1 the Congress a summary of the information required to be
2 transmitted to each House under subsection (a). For
3 purposes of this subsection, the term "Member" includes
4 any Delegate or Resident Commissioner.

5 **SEC. 163. REPORTS.**

6 (a) The President shall submit to the Congress an
7 annual report on the trade agreements program and on import
8 relief and adjustment assistance for workers and firms under
9 this Act. Such report shall include information regarding
10 new negotiations; changes made in duties and nontariff
11 barriers and other distortions of trade of the United States;
12 reciprocal concessions obtained; changes in trade agreements
13 (including the incorporation therein of actions taken for
14 import relief and compensation provided therefor); exten-
15 sion or withdrawal of nondiscriminatory treatment by the
16 United States with respect to the products of a foreign coun-
17 try; extension, modification, withdrawal, suspension, or limi-
18 tation of preferential treatment to exports of developing
19 countries; the results of action taken to obtain removal of
20 foreign trade restrictions (including discriminatory restric-
21 tions) against United States exports and the removal of
22 foreign practices which discriminate against United States
23 service industries (including transportation and tourism)
24 and investment; and the measures being taken to seek the
25 removal of other significant foreign import restrictions; and
26 other information relating to the trade agreements program

1 and to the agreements entered into thereunder.

2 (b) The Tariff Commission shall submit to the Con-
3 gress, at least once a year, a factual report on the operation
4 of the trade agreements program.

5 TITLE II—RELIEF FROM INJURY 6 CAUSED BY IMPORT COMPETI- 7 TION

8 CHAPTER 1—IMPORT RELIEF

9 **SEC. 201. INVESTIGATION BY TARIFF COMMISSION.**

10 (a) (1) A petition for eligibility for import relief for the
11 purpose of facilitating orderly adjustment to import com-
12 petition may be filed with the Tariff Commission by an
13 entity, including a trade association, firm, certified or recog-
14 nized union, or group of workers, which is representative
15 of an industry. The petition shall include a statement de-
16 scribing the specific purposes for which import relief is being
17 sought, which may include such objectives as facilitating the
18 orderly transfer of resources to alternative uses and other
19 means of adjustment to new conditions of competition.

20 (2) Whenever a petition is filed under this subsection,
21 the Tariff Commission shall transmit a copy thereof to the
22 Special Representative for Trade Negotiations and the agen-
23 cies directly concerned.

24 (b) (1) Upon the request of the President or the Spe-
25 cial Representative for Trade Negotiations, upon resolution
26 of either the Committee on Ways and Means of the House of

1 Representatives or the Committee on Finance of the Senate,
2 upon its own motion, or upon the filing of a petition under
3 subsection (a) (1), the Tariff Commission shall promptly
4 make an investigation to determine whether an article is be-
5 ing imported into the United States in such increased quan-
6 tities as to be a substantial cause of serious injury, or the
7 threat thereof, to the domestic industry producing an article
8 like or directly competitive with the imported article.

9 (2) In making its determinations under paragraph (1),
10 the Tariff Commission shall take into account all economic
11 factors which it considers relevant, including (but not limited
12 to)—

13 (A) with respect to serious injury, the significant
14 idling of productive facilities in the industry, the inability
15 of a significant number of firms to operate at a reasonable
16 level of profit, and significant unemployment or under-
17 employment within the industry;

18 (B) with respect to threat of serious injury, a
19 decline in sales, a higher and growing inventory, and
20 a downward trend in production, profits, wages, or
21 employment (or increasing underemployment) in the
22 domestic industry concerned; and

23 (C) with respect to substantial cause, an increase
24 in imports (either actual or relative to domestic produc-
25 tion) and a decline in the proportion of the domestic
26 market supplied by domestic producers.

1 (3) For purposes of paragraph (1), in determining
2 the domestic industry producing an article like or directly
3 competitive with an imported article, the Tariff Commission—
4 (A) may, in the case of a domestic producer which
5 also imports, treat as part of such domestic industry only
6 its domestic production, and
7 (B) may, in the case of a domestic producer which
8 produces more than one article, treat as part of such
9 domestic industry only that portion or subdivision of the
10 producer which produces the like or directly competitive
11 article.
12 (4) For purposes of this section, the term "substantial
13 cause" means a cause which is important and not less than
14 any other cause.
15 (5) In the course of any proceeding under this sub-
16 section, the Tariff Commission shall, for the purpose of
17 assisting the President in making his determinations under
18 sections 202 and 203, investigate and report on efforts made
19 by firms and workers in the industry to compete more ef-
20 fectively with imports.
21 (6) In the course of any proceeding under this
22 subsection, the Tariff Commission shall investigate any
23 factors which in its judgment may be contributing to in-
24 creased imports of the article under investigation; and, when-
25 ever in the course of its investigation the Tariff Commission

1 has reason to believe that the increased imports are attrib-
2 utable in part to circumstances which come within the pur-
3 view of the Antidumping Act, 1921, section 303 or 337
4 of the Tariff Act of 1930, or other remedial provisions of
5 law, the Tariff Commission shall promptly notify the appro-
6 priate agency so that such action may be taken as is other-
7 wise authorized by such provisions of law.

8 (c) In the course of any proceeding under subsection
9 (b), the Tariff Commission shall, after reasonable notice,
10 hold public hearings and shall afford interested parties an
11 opportunity to be present, to present evidence, and to be
12 heard at such hearings.

13 (d) (1) The Tariff Commission shall report to the
14 President its findings under subsection (b) and the basis
15 therefor and shall include in each report any dissenting or
16 separate views. If the Tariff Commission finds with respect
17 to any article, as a result of its investigation, the serious
18 injury or threat thereof described in subsection (b), it
19 shall find the amount of the increase in, or imposition of,
20 any duty or other import restriction on such article which
21 is necessary to prevent or remedy such injury and shall in-
22 clude such finding in its report to the President. The Tariff
23 Commission shall furnish to the President a transcript of
24 the hearings and any briefs which may have been submitted
25 in connection with each investigation.

1 (2) The report of the Tariff Commission of its deter-
2 mination under subsection (b) shall be made at the earliest
3 practicable time, but not later than 6 months after the date
4 on which the petition is filed (or the date on which the re-
5 quest or resolution is received or the motion is adopted, as
6 the case may be). Upon making such report to the Presi-
7 dent, the Tariff Commission shall also promptly make pub-
8 lic such report (with the exception of information which
9 the Commission determines to be confidential) and shall
10 cause a summary thereof to be published in the Federal
11 Register.

12 (e) Except for good cause determined by the Tariff
13 Commission to exist, no investigation for the purposes of this
14 section shall be made with respect to the same subject matter
15 as a previous investigation under this section, unless 1 year
16 has elapsed since the Tariff Commission made its report to the
17 President of the results of such previous investigation.

18 (f) (1) Any investigation by the Tariff Commission
19 under section 301 (b) of the Trade Expansion Act of
20 1962 (as in effect before the date of the enactment
21 of this Act) which is in progress immediately before
22 such date of enactment shall be continued under this section
23 in the same manner as if the investigation had been instituted
24 originally under the provisions of this section. For purposes
25 of subsection (d) (2), the petition for any investigation to

1 which the preceding sentence applies shall be treated as
2 having been filed, or the request or resolution as having been
3 received or the motion having been adopted, as the case may
4 be, on the date of the enactment of this Act.

5 (2) If, on the date of the enactment of this Act, the
6 President has not taken any action with respect to any
7 report of the Tariff Commission containing an affirmative
8 determination resulting from an investigation under sec-
9 tion 301 (b) of the Trade Expansion Act of 1962 (as
10 in effect before the date of the enactment of this
11 Act), such report shall be treated by the President as a re-
12 port received by him under this section on the date of the
13 enactment of this Act.

14 **SEC. 202. PRESIDENTIAL ACTION AFTER INVESTIGATIONS.**

15 (a) After receiving a report from the Tariff Commis-
16 sion containing an affirmative finding under section 201 (b)
17 that increased imports have been a substantial cause of seri-
18 ous injury or threat thereof with respect to an industry—

19 (1) the President shall evaluate the extent to which
20 adjustment assistance has been made available (or can
21 be made available) under chapters 2 and 3 to the work-
22 ers and firms in such industry, and, after such evalua-
23 tion, may direct the Secretary of Labor and the Secre-
24 tary of Commerce that expeditious consideration be
25 given to petitions for adjustment assistance; and

1 (2) the President may provide import relief for
2 such industry pursuant to section 203.
3 (b) Within 60 days (30 days in the case of a supple-
4 mental report under subsection (d)) after receiving a report
5 from the Tariff Commission containing an affirmative finding
6 under section 201 (b) (or a finding under section 201 (b)
7 which he may treat as an affirmative finding by reason of
8 section 330 (d) of the Tariff Act of 1930), the President
9 shall make his determination whether to provide import relief
10 pursuant to section 203. If the President determines not to
11 provide import relief, he shall immediately submit a report
12 to the House of Representatives and to the Senate stating
13 the considerations on which his decision was based.
14 (c) In determining whether to provide import relief
15 pursuant to section 203, the President shall take into account,
16 in addition to such other considerations as he may deem
17 relevant—
18 (1) information and advice from the Secretary of
19 Labor on the extent to which workers in the industry
20 have applied for, are receiving, or are likely to receive
21 adjustment assistance under chapter 2 or benefits from
22 other manpower programs;
23 (2) information and advice from the Secretary of
24 Commerce on the extent to which firms in the industry

1 have applied for, are receiving, or are likely to receive
2 adjustment assistance under chapter 3;
3 (3) the probable effectiveness of import relief as
4 a means to promote adjustment, the efforts being made
5 or to be implemented by the industry concerned to adjust
6 to import competition, and other considerations relative
7 to the position of the industry in the Nation's economy;
8 (4) the effect of import relief on consumers (in-
9 cluding the price and availability of the imported article
10 and the like or directly competitive article produced in
11 the United States) and on competition in the domestic
12 markets for such articles;
13 (5) the effect of import relief on the international
14 economic interests of the United States;
15 (6) the impact on United States industries and
16 firms as a consequence of any possible modification of
17 duties or other import restrictions which may result
18 from international obligations with respect to compensa-
19 tion;
20 (7) the geographic concentration of imported prod-
21 ucts marketed in the United States;
22 (8) the extent to which the United States market
23 is the focal point for exports of such article by reason

1 of restraints on exports of such article to, or on imports
2 of such article into, third country markets; and
3 (9) the economic and social costs which would
4 be incurred by taxpayers, communities, and workers,
5 if import relief were or were not provided.
6 (d) The President may, within 45 days after the
7 date on which he receives an affirmative finding of the
8 Tariff Commission under section 201 (b) with respect to an
9 industry, request additional information from the Tariff
10 Commission. The Tariff Commission shall, as soon as prac-
11 ticable but in no event more than 30 days (60 days where
12 extensive additional information is requested) after the date
13 on which it receives the President's request, furnish addi-
14 tional information with respect to such industry in a sup-
15 plemental report.

16 **SEC. 203. IMPORT RELIEF.**

17 (a) For purposes of applying the provisions of this
18 section, each of the following methods of providing relief
19 from injury caused by imports shall be preferred to the
20 methods listed below it:
21 (1) Increases in, or impositions of, duties.
22 (2) Tariff-rate quotas.
23 (3) Quantitative restrictions.
24 (4) Orderly marketing agreements.

1 Nothing in this section shall prevent the use of a combination
2 of two or more such methods.
3 (b) If the President determines to provide import
4 relief pursuant to this section, he shall, to the extent that and
5 for such time (not to exceed 5 years) as he determines neces-
6 sary to prevent or remedy serious injury or the threat thereof
7 to the industry in question and to facilitate the orderly adjust-
8 ment to new competitive conditions by the industry in
9 question—
10 (1) proclaim an increase in, or imposition of, any
11 duty on the article causing or threatening to cause serious
12 injury to such industry;
13 (2) proclaim a tariff-rate quota on such article;
14 (3) proclaim a modification of, or imposition of, any
15 quantitative restriction on the import into the United
16 States of such article;
17 (4) negotiate orderly marketing agreements with
18 foreign countries limiting the export from foreign coun-
19 tries and the import into the United States of such
20 articles; or
21 (5) take any combination of such actions.
22 (c) Whenever the President selects under this section
23 a method or methods of providing relief from injury caused
24 by imports, he shall report to the Congress what action he is

1 taking, and he shall state with respect to each such method
2 the reasons why he selected that method of providing relief
3 from such injury rather than adjustment assistance and rather
4 than each method of import relief which ranks higher in
5 preference.

6 (d) (1) No proclamation pursuant to subsection (b)
7 shall be made increasing a rate of duty to (or imposing) a
8 rate which is more than 50 percent ad valorem above the rate
9 (if any) existing at the time of the proclamation.

10 (2) Any quantitative restriction proclaimed pursuant
11 to subsection (b) and any orderly marketing agreement
12 negotiated pursuant to such subsection shall permit the im-
13 portation of a quantity or value of the article which is not
14 less than the quantity or value of such article imported into
15 the United States during the most recent period which the
16 President determines is representative of imports of such
17 article.

18 (e) (1) Any initial proclamation made pursuant to
19 paragraph (1), (2), or (3) of subsection (b) shall be
20 made within 15 days after the import relief determination
21 date. Any initial orderly marketing agreement under para-
22 graph (4) of subsection (b) shall be entered into within
23 180 days after the import relief determination date.

24 (2) If, within 15 days after the import relief
25 determination date, the President announces his intention to

1 negotiate one or more orderly marketing agreements, the
2 taking effect of any initial proclamation referred to in para-
3 graph (1) may be withheld until the entering into effect of
4 an orderly marketing agreement which is entered into on
5 or before the 180th day after the import relief determina-
6 tion date, and the application of any such initial proclamation
7 may be suspended while such agreement is in effect.

8 (3) For purposes of this subsection, the term "import
9 relief determination date" means the date of the President's
10 determination under section 202 to provide import relief.

11 (f) (1) For purposes of subsections (a) and (b), the
12 suspension of item 806.30 or 807.00 of the Tariff Schedules
13 of the United States with respect to an article shall be treated
14 as an increase in duty.

15 (2) For purposes of subsections (a) and (b), the sus-
16 pension of the designation of any article as an eligible article
17 for purposes of title V shall be treated as an increase in duty.

18 (3) No proclamation providing for a suspension referred
19 to in paragraph (1) or (2) with respect to any article shall
20 be made under subsection (b) unless the Tariff Commission,
21 in addition to making an affirmative determination with re-
22 spect to such article under section 201 (b), determines in
23 the course of its investigation under section 201 (b) that the
24 serious injury (or threat thereof) to the domestic industry
25 producing a like or directly competitive article results from

1 the application of item 806.30 or item 807.00, or from the
2 designation of the article as an eligible article for purposes of
3 title V, as the case may be.

4 (g) No import relief shall be provided pursuant to this
5 section unless due diligence has been exercised in notifying
6 those persons who may be adversely affected by the providing
7 of such relief, and unless the President has provided for a pub-
8 lic hearing with respect to the proposal to provide such relief
9 during the course of which interested persons have been given
10 a reasonable opportunity to be present, to produce evidence,
11 and to be heard.

12 (h) (1) The President shall by regulations provide for
13 the efficient and fair administration of any quantitative restric-
14 tion proclaimed pursuant to subsection (b) (3).

15 (2) In order to carry out an agreement concluded
16 under subsection (b) (4), the President is authorized to
17 prescribe regulations governing the entry or withdrawal from
18 warehouse of articles covered by such agreement. In addi-
19 tion, in order to carry out one or more agreements concluded
20 under subsection (b) (4) among countries accounting for a
21 major part of United States imports of the article
22 covered by such agreements, the President is also authorized
23 to issue regulations governing the entry or withdrawal from
24 warehouse of like articles which are the product of countries
25 not parties to such agreements.

1 (3) Regulations prescribed under this subsection shall,
2 to the extent practicable and consistent with efficient and fair
3 administration, insure against inequitable sharing of imports
4 by a relatively small number of the larger importers.

5 (i) (1) Any import relief provided pursuant to this
6 section shall, unless renewed pursuant to paragraph (3),
7 terminate no later than the close of the day which is 5
8 years after the day on which import relief with respect to
9 the article in question first took effect pursuant to this
10 section.

11 (2) To the extent feasible, any import relief provided
12 pursuant to this section for a period of more than 3 years shall
13 be phased down during the period of such relief, with the first
14 reduction of relief taking effect no later than the close of the
15 day which is 3 years after the day on which such relief
16 first took effect.

17 (3) Any import relief provided pursuant to this sec-
18 tion may be extended by the President, at a level of relief
19 no greater than the level in effect immediately before such
20 extension, for one 2-year period if the President determines,
21 after taking into account the advice received from the Tariff
22 Commission under subsection (j) (2) and after taking into
23 account the considerations described in section 202 (c), that
24 such extension is in the national interest.

25 (4) Any import relief provided pursuant to this sec-

1 tion may be reduced or terminated by the President when
2 he determines, after taking into account the advice received
3 from the Tariff Commission under subsection (j) (2) and
4 after seeking advice of the Secretary of Commerce and the
5 Secretary of Labor, that such reduction or termination is
6 in the national interest.

7 (5) For purposes of this subsection and subsection (j),
8 the import relief provided in the case of an orderly market-
9 ing agreement shall be the level of relief contemplated by
10 such agreement.

11 (j) (1) So long as any import relief provided pursuant
12 to this section remains in effect, the Tariff Commission shall
13 keep under review developments with respect to the industry
14 concerned (including the progress and specific efforts made
15 by the firms in the industry concerned to adjust to import
16 competition) and upon request of the President shall make
17 reports to the President concerning such developments.

18 (2) Upon request of the President or upon its own
19 motion, the Tariff Commission shall advise the President
20 of its judgment as to the probable economic effect on the
21 industry concerned of the reduction or termination of the
22 import relief provided pursuant to this section.

23 (3) Upon petition on behalf of the industry concerned,
24 filed with the Tariff Commission not earlier than the date

1 which is 9 months, and not later than the date which is
2 6 months, before the date any import relief provided pur-
3 suant to this section is to terminate by reason of the expira-
4 tion of the initial period therefor, the Tariff Commission
5 shall advise the President of its judgment as to the probable
6 economic effect on such industry of such termination.

7 (4) In advising the President under paragraph (2) or
8 (3) as to the probable economic effect on the industry con-
9 cerned, the Tariff Commission shall take into account all eco-
10 nomic factors which it considers relevant, including the
11 considerations set forth in section 202 (c) and the progress
12 and specific efforts made by the industry concerned to adjust
13 to import competition.

14 (5) Advice by the Tariff Commission under paragraph
15 (2) or (3) shall be given on the basis of an investigation
16 during the course of which the Tariff Commission shall hold a
17 hearing at which interested persons shall be given a reason-
18 able opportunity to be present, to produce evidence, and to
19 be heard.

20 (k) No investigation for the purposes of section 201
21 shall be made with respect to an article which has received
22 import relief under this section unless 2 years have elapsed
23 since the last day on which import relief was provided with
24 respect to such article pursuant to this section.

1 **SEC. 204. PROCEDURE FOR CONGRESSIONAL DISAPPROVAL**
2 **OF QUANTITATIVE RESTRICTIONS AND OR-**
3 **DERLY MARKETING AGREEMENTS.**

4 (a) Whenever the President issues a proclamation pur-
5 suant to section 203 (b) (3) or enters into an orderly market-
6 ing agreement pursuant to section 203 (b) (4), he shall
7 promptly transmit to the House of Representatives and to
8 the Senate a copy of such proclamation or agreement together
9 with a copy of the statement required to be made to Congress
10 under section 203 (c).

11 (b) If, before the close of the 90-day period beginning
12 on the day on which the copy of the proclamation or agree-
13 ment is delivered to the House of Representatives and to the
14 Senate pursuant to subsection (a), either the House of Rep-
15 resentatives or the Senate adopts, by an affirmative vote of
16 a majority of those present and voting in that House, a resolu-
17 tion of disapproval under the procedures set forth in section
18 151, then such proclamation or such agreement, as the case
19 may be, shall have no force and effect beginning with the
20 day after the date of the adoption of such resolution of dis-
21 approval.

22 (c) For purposes of section 203 (e) (1), in the case of
23 the adoption of any resolution of disapproval referred to in
24 subsection (b), a second 15-day period during which the
25 President shall provide import relief under paragraph (1)

1 or (2) of section 203 (b) shall be deemed to have started
2 on the day on which the resolution of disapproval was
3 adopted.

4 CHAPTER 2—ADJUSTMENT ASSISTANCE
5 FOR WORKERS

6 Subchapter A—Petitions and Determinations

7 **SEC. 221. PETITIONS.**

8 (a) A petition for a certification of eligibility to apply for
9 adjustment assistance under this chapter may be filed with
10 the Secretary of Labor (hereinafter in this chapter referred
11 to as the "Secretary") by a group of workers or by their
12 certified or recognized union or other duly authorized repre-
13 sentative. Upon receipt of the petition, the Secretary shall
14 promptly publish notice in the Federal Register that he
15 has received the petition and initiated an investigation.

16 (b) If the petitioner, or any other person found by the
17 Secretary to have a substantial interest in the proceedings,
18 submits not later than 10 days after the date of the Secre-
19 tary's publication under subsection (a) a request for a hear-
20 ing, the Secretary shall provide for a public hearing and afford
21 such interested persons an opportunity to be present, to pro-
22 duce evidence, and to be heard.

23 **SEC. 222. GROUP ELIGIBILITY REQUIREMENTS.**

24 The Secretary shall certify a group of workers as eligible

1 to apply for adjustment assistance under this chapter if he
2 determines—
3 (1) that a significant number or proportion of the
4 workers in such workers' firm or an appropriate sub-
5 division of the firm have become totally or partially
6 separated, or are threatened to become totally or par-
7 tially separated,
8 (2) that sales or production, or both, of such firm
9 or subdivision have decreased absolutely, and
10 (3) that increases of imports of articles like or di-
11 rectly competitive with articles produced by such work-
12 ers' firm or an appropriate subdivision thereof contrib-
13 uted importantly to such total or partial separation, or
14 threat thereof, and to such decline in sales or production.
15 **SEC. 223. DETERMINATIONS BY SECRETARY OF LABOR.**
16 (a) As soon as possible after the date on which a pe-
17 tition is filed under section 221, but in any event not later
18 than 60 days after that date, the Secretary shall determine
19 whether the petitioning group meets the requirements of
20 section 222 and shall issue a certification of eligibility to
21 apply for assistance under this chapter covering workers in
22 any group which meets such requirements. Each certifica-
23 tion shall specify the date on which the total or partial
24 separation began or threatened to begin.
25 (b) A certification under this section shall not apply

1 to any worker whose last total or partial separation from the
2 firm or appropriate subdivision of the firm before his applica-
3 tion under section 231 occurred—
4 (1) more than one year before the date of the peti-
5 tion on which such certification was granted, or
6 (2) more than 6 months before the effective date
7 of this chapter.
8 (c) Upon reaching his determination on a petition, the
9 Secretary shall promptly publish a summary of the deter-
10 mination in the Federal Register.
11 (d) Whenever the Secretary determines, with respect
12 to any certification of eligibility of the workers of a firm
13 or subdivision of the firm, that total or partial separations
14 from such firm or subdivision are no longer attributable to
15 the conditions specified in section 222, he shall terminate such
16 certification and promptly have notice of such termination
17 published in the Federal Register. Such termination shall
18 apply only with respect to total or partial separations occur-
19 ring after the termination date specified by the Secretary.
20 **SEC. 224. STUDY BY SECRETARY OF LABOR WHEN TARIFF**
21 **COMMISSION BEGINS INVESTIGATION; ACTION**
22 **WHERE THERE IS AFFIRMATIVE FINDING.**
23 (a) Whenever the Tariff Commission begins an investi-
24 gation under section 201 with respect to an industry, the
25 Tariff Commission shall immediately notify the Secretary of

1 such investigation, and the Secretary shall immediately begin
2 a study of—
3 (1) the number of workers in the domestic industry
4 producing the like or directly competitive article which
5 have been or are likely to be certified as eligible for
6 adjustment assistance, and
7 (2) the extent to which the adjustment of such
8 workers to the import competition may be facilitated
9 through the use of existing programs.
10 (b) The report of the Secretary of the study under sub-
11 section (a) shall be made to the President not later than
12 15 days after the day on which the Tariff Commission makes
13 its report under section 201. Upon making its report to the
14 President, the Secretary shall also promptly make it public
15 (with the exception of information which the Secretary
16 determines to be confidential) and shall have a summary
17 of it published in the Federal Register.
18 (c) Whenever the Tariff Commission makes an affirma-
19 tive finding under section 201 (b) that increased imports
20 are a substantial cause of serious injury or threat there-
21 of with respect to an industry, the Secretary shall make
22 available, to the extent feasible, full information to the work-
23 ers in such industry about programs which may facilitate
24 the adjustment to import competition of such work-
25 ers, and he shall provide assistance in the preparation and

1 processing of petitions and applications of such workers for
2 program benefits.

3 Subchapter B—Program Benefits

4 PART I—TRADE READJUSTMENT ALLOWANCES

5 SEC. 231. QUALIFYING REQUIREMENTS FOR WORKERS.

6 Payment of a trade readjustment allowance shall be
7 made to an adversely affected worker covered by a certifica-
8 tion under subchapter A who files an application for such
9 allowance for any week of unemployment which begins after
10 the date specified in such certification pursuant to section 223
11 (a), if the following conditions are met:

12 (1) Such worker's last total or partial separation
13 before his application under this chapter, occurred—

14 (A) on or after the date, as specified in the
15 certification under which he is covered, on which
16 total or partial separation began or threatened to
17 begin in the adversely affected employment, and

18 (B) before the expiration of the 2-year period
19 beginning on the date on which the determination
20 under section 223 was made, and

21 (C) before the termination date (if any) deter-
22 mined pursuant to section 223 (d); and

23 (2) Such worker had, in the 52 weeks immediately
24 preceding such total or partial separation, at least 26
25 weeks of employment at wages of $30 or more a week

1 in adversely affected employment with a single firm
2 or subdivision of a firm, or, if data with respect to
3 weeks of employment are not available, equivalent
4 amounts of employment computed under regulations
5 prescribed by the Secretary.

6 **SEC. 232. WEEKLY AMOUNTS.**

7 (a) Subject to the other provisions of this section, the
8 trade readjustment allowance payable to an adversely
9 affected worker for a week of unemployment shall be—

10 (1) (A) in the case of any such week in the first
11 26 weeks of such allowances, 70 percent of his average
12 weekly wage (but not in excess of the average weekly
13 manufacturing wage), or

14 (B) in the case of any subsequent week of such
15 allowances, 65 percent of his average weekly wage (but
16 not in excess of the average weekly manufacturing
17 wage); reduced by

18 (2) 50 percent of the amount of the remuneration
19 for services performed during such week.

20 (b) Any adversely affected worker who is entitled to
21 trade readjustment allowances and who is undergoing train-
22 ing approved by the Secretary, including on-the-job training,
23 shall receive for each week in which he is undergoing any
24 such training, a trade readjustment allowance in an amount
25 (computed for such week) equal to the amount computed

1 under subsection (a) or (if greater) the amount of any
2 weekly allowance for such training to which he would be
3 entitled under any other Federal law for the training of
4 workers, if he applied for such allowance. Such trade re-
5 adjustment allowance shall be paid in lieu of any training
6 allowance to which the worker would be entitled under such
7 other Federal law.

8 (c) The amount of trade readjustment allowance pay-
9 able to an adversely affected worker under subsection (a)
10 for any week shall be reduced by any amount of unemploy-
11 ment insurance which he has received or is seeking with
12 respect to such week; but, if the appropriate State or Fed-
13 eral agency finally determines that the worker was not
14 entitled to unemployment insurance with respect to such
15 week, the reduction shall not apply with respect to such
16 week.

17 (d) If unemployment insurance, or a training allow-
18 ance under any Federal law, is paid to an adversely affected
19 worker for any week of unemployment with respect to
20 which he would be entitled (determined without regard
21 to subsection (c) or (e) or to any disqualification under
22 section 236(c)) to a trade readjustment allowance if he
23 applied for such allowance, each such week shall be de-
24 ducted from the total number of weeks of trade readjust-
25 ment allowance otherwise payable to him under section

1 233 (a) when he applies for a trade readjustment allow-
2 ance and is determined to be entitled to such allowance.
3 If the unemployment insurance or the training allowance
4 paid to such worker for any week of unemployment is less
5 than the amount of the trade readjustment allowance to
6 which he would be entitled if he applied for such allow-
7 ance, he shall receive, when he applies for a trade read-
8 justment allowance and is determined to be entitled to such
9 allowance, a trade readjustment allowance for such week
10 equal to such difference.

11 (e) Whenever, with respect to any week of unem-
12 ployment, the total amount payable to an adversely affected
13 worker as remuneration for services performed during such
14 week, as unemployment insurance, as a training allowance
15 referred to in subsection (d), and as a trade readjustment
16 allowance would exceed—

17 (1) in the case of any such week in the first 26
18 weeks of such allowances, 80 percent of his average
19 weekly wage (or, if lesser, 130 percent of the average
20 weekly manufacturing wage), or

21 (2) in the case of any subsequent week of such
22 allowances, 75 percent of his average weekly wage (or,
23 if lesser, 130 percent of the average weekly manufac-
24 turing wage),

1 then his trade readjustment allowance for such week shall
2 be reduced by the amount of such excess.
3 (f) The amount of any weekly payment to be made
4 under this section which is not a whole dollar amount shall
5 be rounded upward to the next higher whole dollar amount.
6 (g) (1) If unemployment insurance is paid under a
7 State law to an adversely affected worker for a week for
8 which—
9 (A) he receives a trade readjustment allowance,
10 or
11 (B) he makes application for a trade readjust-
12 ment allowance and would be entitled (determined
13 without regard to subsection (c) or (e)) to receive
14 such allowance,
15 the State agency making such payment shall, unless it has
16 been reimbursed for such payment under Federal law, be
17 reimbursed from funds the authorization contained in pur-
18 suant to section 245(b), to the extent such payment does
19 not exceed the amount of the trade readjustment allowance
20 which such worker would have received, or would have been
21 entitled to receive, as the case may be, if he had not received
22 the State payment. The amount of such reimbursement shall
23 be determined by the Secretary on the basis of reports fur-
24 nished to him by the State agency.

1 (2) In any case in which a State agency is reimbursed
2 under paragraph (1) for payments of unemployment in-
3 surance made to an adversely affected worker, such pay-
4 ments, and the period of unemployment of such worker for
5 which such payments were made, may be disregarded under
6 the State law (and for purposes of applying section 3303
7 of the Internal Revenue Code of 1954) in determining
8 whether or not an employer is entitled to a reduced rate of
9 contributions permitted by the State law.

10 **SEC. 233. TIME LIMITATIONS ON TRADE READJUSTMENT**
11 **ALLOWANCES.**

12 (a) Payment of trade readjustment allowances shall
13 not be made to an adversely affected worker for more than
14 52 weeks, except that, in accordance with regulations pre-
15 scribed by the Secretary—

16 (1) such payments may be made for not more than
17 26 additional weeks to an adversely affected worker
18 to assist him to complete training approved by the
19 Secretary, or

20 (2) such payments shall be made for not more than
21 13 additional weeks to an adversely affected worker who
22 had reached his 60th birthday on or before the date of
23 total or partial separation.

24 (b) Except for a payment made for an additional week
25 specified in subsection (a), a trade readjustment allowance

1 shall not be paid for a week of unemployment beginning
2 more than 2 years after the beginning of the appropriate
3 week. A trade readjustment allowance shall not be paid for
4 any additional week specified in subsection (a) if such
5 week begins more than 3 years after the beginning of the
6 appropriate week. The appropriate week for a totally sepa-
7 rated worker is the week of his most recent total separation.
8 The appropriate week for a partially separated worker is
9 the week in respect of which he first receives a trade read-
10 justment allowance following his most recent partial
11 separation.

12 **SEC. 234. APPLICATION OF STATE LAWS.**

13 Except where inconsistent with the provisions of this
14 chapter and subject to such regulations as the Secretary
15 may prescribe, the availability and disqualification provisions
16 of the State law—

17 (1) under which an adversely affected worker is
18 entitled to unemployment insurance (whether or not he
19 has filed a claim for such insurance), or

20 (2) if he is not so entitled to unemployment insur-
21 ance, of the State in which he was totally or partially
22 separated,

23 shall apply to any such worker who files a claim for trade
24 readjustment allowances. The State law so determined with
25 respect to a separation of a worker shall remain applicable,

1 for purposes of the preceding sentence, with respect to such
2 separation until such worker becomes entitled to unemploy-
3 ment insurance under another State law (whether or not he
4 has filed a claim for such insurance).

5 **PART II—TRAINING AND RELATED SERVICES**

6 **SEC. 235. EMPLOYMENT SERVICES.**

7 The Secretary shall make every reasonable effort to
8 secure for adversely affected workers covered by a certifica-
9 tion under subchapter A of this chapter counseling, testing,
10 and placement services, and supportive and other services,
11 provided for under any other Federal law. The Secretary
12 shall, whenever appropriate, procure such services through
13 agreements with cooperating State agencies.

14 **SEC. 236. TRAINING.**

15 (a) If the Secretary determines that there is no suitable
16 employment available for an adversely affected worker
17 covered by a certification under subchapter A of this chapter,
18 but that suitable employment (which may include technical
19 and professional employment) would be available if the
20 worker received appropriate training, he may approve such
21 training. Insofar as possible, the Secretary shall provide or
22 assure the provision of such training through manpower
23 programs established by law.

24 (b) The Secretary may, where appropriate, authorize

1 supplemental assistance necessary to defray transportation
2 and subsistence expenses for separate maintenance when
3 training is provided in facilities which are not within com-
4 muting distance of a worker's regular place of residence. The
5 Secretary shall not authorize payments for subsistence ex-
6 ceeding $5 per day; nor shall he authorize payments for
7 transportation expenses exceeding 10 cents per mile.

8 (c) Any adversely affected worker who, without good
9 cause, refuses to accept or continue, or fails to make satis-
10 factory progress in, suitable training to which he has been
11 referred by the Secretary shall not thereafter be entitled to
12 payments under this chapter until he enters or resumes the
13 training to which he has been so referred.

14 **PART III—JOB SEARCH AND RELOCATION**
15 **ALLOWANCES**

16 **SEC. 237. JOB SEARCH ALLOWANCES.**

17 (a) Any adversely affected worker covered by a cer-
18 tification under subchapter A of this chapter who has been
19 totally separated may file an application with the Secretary
20 for a job search allowance. Such allowance, if granted, shall
21 provide reimbursement to the worker of 80 percent of the
22 cost of his necessary job search expenses as prescribed by
23 regulations of the Secretary; except that such reimbursement
24 may not exceed $500 for any worker.

25 (b) A job search allowance may be granted only—

1 (1) to assist an adversely affected worker in secur-
2 ing a job within the United States;
3 (2) where the Secretary determines that such
4 worker cannot reasonably be expected to secure suitable
5 employment in the commuting area in which he resides;
6 and
7 (3) where the worker has filed an application for
8 such allowance with the Secretary no later than 1 year
9 after the date of his last total separation before his ap-
10 plication under this chapter.

11 **SEC. 238. RELOCATION ALLOWANCES.**

12 (a) Any adversely affected worker covered by a certi-
13 fication under subchapter A of this chapter who has been
14 totally separated may file an application with the Secretary
15 for a relocation allowance, subject to the terms and condi-
16 tions of this section.
17 (b) A relocation allowance may be granted only to
18 assist an adversely affected worker in relocating within the
19 United States and only if the Secretary determines that such
20 worker cannot reasonably be expected to secure suitable
21 employment in the commuting area in which he resides
22 and that such worker—
23 (1) has obtained suitable employment affording a
24 reasonable expectation of long-term duration in the
25 area in which he wishes to relocate, or

1 (2) has obtained a bona fide offer of such employ-
2 ment.
3 (c) A relocation allowance shall not be granted to such
4 worker unless—
5 (1) for the week in which the application for such
6 allowance is filed, he is entitled to a trade readjustment
7 allowance (determined without regard to section 232
8 (c) and (e)) or would be so entitled (determined
9 without regard to whether he filed application therefor)
10 but for the fact that he has obtained the employment
11 referred to in subsection (b) (1), and
12 (2) such relocation occurs within a reasonable pe-
13 riod after the filing of such application or (in the case of a
14 worker who has been referred to training by the Secre-
15 tary) within a reasonable period after the conclusion of
16 such training.
17 Under regulations prescribed by the Secretary, a relocation
18 allowance shall not be granted to more than one member of
19 the family with respect to the same relocation.
20 (d) For the purposes of this section, the term "reloca-
21 tion allowance" means—
22 (1) 80 percent of the reasonable and necessary
23 expenses, as specified in regulations prescribed by the
24 Secretary, incurred in transporting a worker and his
25 family, if any, and household effects, and

1 (2) a lump sum equivalent to three times the
2 worker's average weekly wage, up to a maximum
3 payment of $500.

4 **Subchapter C—General Provisions**

5 **SEC. 239. AGREEMENTS WITH STATES.**

6 (a) The Secretary is authorized on behalf of the United
7 States to enter into an agreement with any State, or with any
8 State agency (referred to in this subchapter as "cooperating
9 States" and "cooperating State agencies" respectively).
10 Under such an agreement, the cooperating State agency (1)
11 as agent of the United States, will receive applications for,
12 and will provide, payments on the basis provided in this
13 chapter, (2) where appropriate, will afford adversely affected
14 workers who apply for payments under this chapter testing,
15 counseling, referral to training, and placement services, and
16 (3) will otherwise cooperate with the Secretary and with
17 other State and Federal agencies in providing payments and
18 services under this chapter.

19 (b) Each agreement under this subchapter shall pro-
20 vide the terms and conditions upon which the agreement
21 may be amended, suspended, or terminated.

22 (c) Each agreement under this subchapter shall provide
23 that unemployment insurance otherwise payable to any ad-
24 versely affected worker will not be denied or reduced for any
25 week by reason of any right to payments under this chapter.

1 (d) A determination by a cooperating State agency
2 with respect to entitlement to payments under an agreement
3 is subject to review in the same manner and to the same ex-
4 tent as determinations under the applicable State law and
5 only in that manner and to that extent.

6 **SEC. 240. ADMINISTRATION ABSENT STATE AGREEMENT.**

7 (a) In any State where there is no agreement in force
8 between a State or its agency under section 239, the Sec-
9 retary shall arrange under regulations prescribed by him for
10 performance of all necessary functions under subchapter B
11 of this chapter, including provision for a fair hearing for any
12 worker whose application for payments is denied.

13 (b) A final determination under subsection (a) with
14 respect to entitlement to payments under subchapter B of
15 this chapter is subject to review by the courts in the same
16 manner and to the same extent as is provided by section
17 205(g) of the Social Security Act (42 U.S.C. sec. 405(g)).

18 **SEC. 241. PAYMENTS TO STATES.**

19 (a) The Secretary shall from time to time certify to
20 the Secretary of the Treasury for payment to each cooperat-
21 ing State the sums necessary to enable such State as agent
22 of the United States to make payments provided for by this
23 chapter. The Secretary of the Treasury, prior to audit or
24 settlement by the General Accounting Office, shall make
25 payment to the State from the Adjustment Assistance Trust

1 Fund established in section 245 in accordance with such
2 certification. Sums reimbursable to a State pursuant to
3 section 232 (g) shall be credited to the account of such
4 State in the Unemployment Trust Fund and shall be used
5 only for the payment of cash benefits to individuals with
6 respect to their unemployment, exclusive of expenses of
7 administration.

8 (b) All money paid a State under this section shall be
9 used solely for the purposes for which it is paid; and money
10 so paid which is not used for such purposes shall be returned,
11 at the time specified in the agreement under this subchapter,
12 to the Secretary of the Treasury and credited to to Adjust-
13 ment Assistance Fund.

14 (c) Any agreement under this subchapter may require
15 any officer or employee of the State certifying payments or
16 disbursing funds under the agreement or otherwise partici-
17 pating in the performance of the agreement, to give a surety
18 bond to the United States in such amount as the Secretary
19 may deem necessary, and may provide for the payment of
20 the cost of such bond from funds for carrying out the pur-
21 poses of this chapter.

22 **SEC. 242. LIABILITIES OF CERTIFYING AND DISBURSING**
23 **OFFICERS.**

24 (a) No person designated by the Secretary, or desig-
25 nated pursuant to an agreement under this subchapter, as a

1 certifying officer, shall, in the absence of gross negligence or
2 intent to defraud the United States, be liable with respect
3 to any payment certified by him under this chapter.
4 (b) No disbursing officer shall, in the absence of gross
5 negligence or intent to defraud the United States, be liable
6 with respect to any payment by him under this chapter if
7 it was based upon a voucher signed by a certifying officer
8 designated as provided in subsection (a).

9 **SEC. 243. RECOVERY OF OVERPAYMENTS.**

10 (a) If a cooperating State agency or the Secretary, or
11 a court of competent jurisdiction finds that any person—
12 (1) has made or has caused to be made by
13 another, a false statement or representation of a material
14 fact knowing it to be false, or has knowingly failed or
15 caused another to fail to disclose a material fact; and
16 (2) as a result of such action has received any pay-
17 ment under this chapter to which he was not entitled,
18 such person shall be liable to repay such amount to the
19 State agency or the Secretary as the case may be, or either
20 may recover such amount by deductions from any sums
21 payable to such person under this chapter. Any such finding
22 by a State agency or the Secretary may be made only after
23 an opportunity for a fair hearing.
24 (b) Any amount repaid to a State agency under this
25 section shall be deposited into the fund from which payment

1 was made. Any amount repaid to the Secretary under this
2 section shall be returned to the Secretary of the Treasury and
3 credited to the Adjustment Assistance Trust Fund.

4 **SEC. 244. PENALTIES.**

5 Whoever makes a false statement of a material fact know-
6 ing it to be false, or knowingly fails to disclose a material
7 fact, for the purpose of obtaining or increasing for himself
8 or for any other person any payment authorized to be fur-
9 nished under this chapter or pursuant to an agreement under
10 section 239 shall be fined not more than $1,000 or im-
11 prisoned for not more than one year, or both.

12 **SEC. 245. CREATION OF TRUST FUND; AUTHORIZATION OF**
13 **APPROPRIATIONS OUT OF CUSTOMS RECEIPTS.**

14 (a) There is hereby established on the books of the
15 Treasury of the United States a trust fund to be known as
16 the "Adjustment Assistance Trust Fund" (referred to in this
17 section as the "Trust Fund"). The Trust Fund shall consist
18 of such amounts as may be deposited in it pursuant to the
19 authorization contained in subsection (b). Amounts in the
20 Trust Fund may be used only to carry out the provisions
21 of this chapter (including administrative costs). The Secre-
22 tary of the Treasury shall be the trustee of the Trust Fund
23 and shall report to the Congress not later than March 1 of
24 each year on the operation and status of the Trust Fund
25 during the preceding fiscal year.

1 (b) There is hereby authorized to be appropriated to
2 the Trust Fund, out of amounts in the general fund of the
3 Treasury attributable to the collections of customs duties not
4 otherwise appropriated, for each fiscal year ending after the
5 date of the enactment of this Act, such sums as may be
6 necessary to carry out the provisions of this chapter (includ-
7 ing administrative costs).

8 **SEC. 246. TRANSITIONAL PROVISIONS.**

9 (a) Where a group of workers has been certified as
10 eligible to apply for adjustment assistance under section
11 302 (b) (2) or (c) of the Trade Expansion Act of 1962, any
12 worker who has not had an application for trade readjust-
13 ment allowances under section 322 of that Act approved or
14 denied before the effective date of this chapter may apply
15 under section 231 of this Act as if the group certification
16 under which he claims coverage had been made under sub-
17 chapter A of this chapter.

18 (b) In any case where a group of workers or their
19 certified or recognized union or other duly authorized repre-
20 sentative has filed a petition under section 301 (a) (2) of
21 the Trade Expansion Act of 1962, more than 4 months
22 before the effective date of this chapter and

23 (1) the Tariff Commission has not rejected such
24 petition before the effective date of this chapter, and

25 (2) The President or his delegate has not issued a

1 certification under section 302 (c) of that Act to the
2 petitioning group before the effective date of this
3 chapter,

4 such group or representative thereof may file a new petition
5 under section 221 of this Act, not later than 90 days after
6 the effective date of this chapter. For purposes of section
7 223 (b) (1), the date on which such group or representa-
8 tive filed the petition under the Trade Expansion Act of 1962
9 shall apply. Section 223 (b) (2) shall not apply to workers
10 covered by a certification issued pursuant to a petition meet-
11 ing the requirements of this subsection.

12 (c) A group of workers may file a petition under sec-
13 tion 221 covering weeks of unemployment (as defined in
14 the Trade Expansion Act of 1962) beginning before the
15 effective date of this chapter, or covering such weeks and
16 also weeks of unemployment beginning on or after the ef-
17 fective date of this chapter.

18 (d) Any worker receiving payments pursuant to this
19 section shall be entitled—

20 (1) for weeks of unemployment (as defined in the
21 Trade Expansion Act of 1962) beginning before the
22 effective date of this chapter, to the rights and privileges
23 provided in chapter 3 of title III of such Act, and

24 (2) for weeks of unemployment beginning on or

1 after the effective date of this chapter, to the rights and
2 privileges provided in this chapter.
3 (e) The Tariff Commission shall make available to the
4 Secretary on request data it has acquired in investigations
5 under section 301 of the Trade Expansion Act of 1962 con-
6 cluded within the 2-year period ending on the effective
7 date of this chapter which did not result in Presidential ac-
8 tion under section 302 (a) (3) or 302 (c) of that Act.
9 **SEC. 247. DEFINITIONS.**
10 For purposes of this chapter—
11 (1) The term "adversely affected employment"
12 means employment in a firm or appropriate subdivision
13 of a firm, if workers of such firm or subdivision are
14 eligible to apply for adjustment assistance under this
15 chapter.
16 (2) The term "adversely affected worker" means
17 an individual who, because of lack of work in adversely
18 affected employment—
19 (A) has been totally or partially separated
20 from such employment, or
21 (B) has been totally separated from employ-
22 ment with the firm in a subdivision of which such
23 adversely affected employment exists.
24 (3) The term "average weekly manufacturing
25 wage" means the national gross average weekly earn-

1 ings of production workers in manufacturing industries
2 for the latest calendar year (as officially published an-
3 nually by the Bureau of Labor Statistics of the Depart-
4 ment of Labor) most recently published before the period
5 for which the assistance under this chapter is furnished.
6 (4) The term "average weekly wage" means one-
7 thirteenth of the total wages paid to an individual in the
8 high quarter. For purposes of this computation, the high
9 quarter shall be that quarter in which the individual's
10 total wages were highest among the first 4 of the last 5
11 completed calendar quarters immediately before the quar-
12 ter in which occurs the week with respect to which the
13 computation is made. Such week shall be the week in
14 which total separation occurred, or, in cases where
15 partial separation is claimed, an appropriate week, as
16 defined in regulations prescribed by the Secretary.
17 (5) The term "average weekly hours" means the
18 average hours worked by the individual (excluding
19 overtime) in the employment from which he has been
20 or claims to have been separated in the 52 weeks
21 (excluding weeks during which the individual was sick
22 or on vacation) preceding the week specified in the last
23 sentence of paragraph (4).
24 (6) The term "partial separation" means, with

1 respect to an individual who has not been totally sepa-
2 rated, that he has had—
3 (A) his hours of work reduced to 80 per-
4 cent or less of his average weekly hours in ad-
5 versely affected employment, and
6 (B) his wages reduced to 80 percent or less
7 (75 percent in the case of any week after the
8 first 26 weeks in which he is eligible to receive
9 a trade readjustment allowance) of his average
10 weekly wage in such adversely affected employ-
11 ment.
12 (7) The term "remuneration" means wages and
13 net earnings derived from services performed as a self-
14 employed individual.
15 (8) The term "State" includes the District of Co-
16 lumbia and the Commonwealth of Puerto Rico; and the
17 term "United States" when used in the geographical
18 sense includes such Commonwealth.
19 (9) The term "State agency" means the agency
20 of the State which administers the State law.
21 (10) The term "State law" means the unemploy-
22 ment insurance law of the State approved by the Secre-
23 tary of Labor under section 3304 of the Internal Reve-
24 nue Code of 1954.

1 (11) The term "total separation" means the layoff
2 or severance of an individual from employment with a
3 firm in which, or in a subdivision of which, adversely
4 affected employment exists.
5 (12) The term "unemployment insurance" means
6 the unemployment insurance payable to an individual
7 under any State law or Federal unemployment insur-
8 ance law, including chapter 85 of title 5, United States
9 Code, and the Railroad Unemployment Insurance Act.
10 (13) The term "week" means a week as defined in
11 the applicable State law.
12 (14) The term "week of unemployment" means
13 with respect to an individual any week for which his re-
14 muneration for services performed during such week is
15 less than 80 percent (75 percent in the case of any week
16 after the first 26 weeks in which he is eligible to receive
17 a trade readjustment allowance) of his average weekly
18 wage and in which, because of lack of work—
19 (A) if he has been totally separated, he worked
20 less than the full-time week (excluding overtime) in
21 his current occupation, or
22 (B) if he has been partially separated, he
23 worked 80 percent or less of his average weekly
24 hours.

1 **SEC. 248. REGULATIONS.**

2 The Secretary shall prescribe such regulations as may be
3 necessary to carry out the provisions of this chapter.

4 **SEC. 249. EFFECTIVE DATE.**

5 This chapter (other than section 250) shall become ef-
6 fective on the 90th day following the date of the enactment of
7 this Act.

8 **SEC. 250. COORDINATION.**

9 There is hereby established the Adjustment Assistance
10 Coordinating Committee to consist of a Deputy Special Trade
11 Representative as Chairman, and the officials charged with
12 adjustment assistance responsibilities of the Departments of
13 Labor and Commerce and the Small Business Administra-
14 tion. It shall be the function of the Committee to coordinate
15 the adjustment assistance policies and programs of the various
16 agencies involved and to promote the efficient and effective
17 delivery of adjustment assistance benefits.

18 CHAPTER 3—ADJUSTMENT ASSISTANCE
19 FOR FIRMS

20 **SEC. 251. PETITIONS AND DETERMINATIONS.**

21 (a) A petition for a certification of eligibility to apply
22 for adjustment assistance under this chapter may be filed
23 with the Secretary of Commerce (hereinafter in this chapter
24 referred to as the "Secretary") by a firm or its representa-

1 tive. Upon receipt of the petition, the Secretary shall
2 promptly publish notice in the Federal Register that he has
3 received the petition and initiated an investigation.
4 (b) If the petitioner, or any other person, organization,
5 or group found by the Secretary to have a substantial interest
6 in the proceedings, submits not later than 10 days after the
7 date of the Secretary's publication under subsection (a) a
8 request for a hearing, the Secretary shall provide for a public
9 hearing and afford such interested persons an opportunity
10 to be present, to produce evidence, and to be heard.
11 (c) The Secretary shall certify a firm as eligible to
12 apply for adjustment assistance under this chapter if he
13 determines—
14 (1) that a significant number or proportion of the
15 workers in such firm have become totally or partially
16 separated, or are threatened to become totally or par-
17 tially separated,
18 (2) that sales or production, or both, of such firm
19 have decreased absolutely, and
20 (3) that increases of imports of articles like or
21 directly competitive with articles produced by such firm
22 contributed importantly to such total or partial separa-
23 tion and to such decline in sales or production.
24 (d) A determination shall be made by the Secretary as
25 soon as possible after the date on which the petition is filed

1 under this section, but in any event not later than 60 days
2 after that date.

3 **SEC. 252. APPROVAL OF ADJUSTMENT PROPOSALS.**

4 (a) A firm certified under section 251 as eligible to
5 apply for adjustment assistance may, at any time within 2
6 years after the date of such certification, file an application
7 with the Secretary for adjustment assistance under this
8 chapter. Such application shall include a proposal for the
9 economic adjustment of such firm.

10 (b) Adjustment assistance under this chapter consists
11 of technical assistance and financial assistance, which may
12 be furnished singly or in combination. The Secretary shall
13 approve a firm's application for adjustment assistance only
14 if he determines—

15 (1) that the firm has no reasonable access to fin-
16 ancing through the private capital market, and

17 (2) that the firm's adjustment proposal—

18 (A) is reasonably calculated materially to con-
19 tribute to the economic adjustment of the firm,

20 (B) gives adequate consideration to the inter-
21 ests of the workers of such firm, and

22 (C) demonstrates that the firm will make all
23 reasonable efforts to use its own resources for eco-
24 nomic development.

25 (c) In order to assist a firm which has been certified

1 as eligible to apply for adjustment assistance under this chap-
2 ter in preparing a viable adjustment proposal, the Secretary
3 may furnish technical assistance to such firm.

4 (d) Whenever the Secretary determines that any firm
5 no longer requires assistance under this chapter, he shall
6 terminate the certification of eligibility of such firm and
7 promptly have notice of such termination published in the
8 Federal Register. Such termination shall take effect on the
9 termination date specified by the Secretary.

10 **SEC. 253. TECHNICAL ASSISTANCE.**

11 (a) The technical assistance furnished under this chap-
12 ter shall consist of—

13 (1) assistance to the firm in developing a pro-
14 posal for its economic adjustment,

15 (2) assistance in the implementation of such a
16 proposal, or

17 (3) both.

18 (b) The Secretary may provide to a firm certified under
19 section 251, on such terms and conditions as he determines
20 to be appropriate, such technical assistance as in his judgment
21 will carry out the purposes of this chapter with respect to
22 such firm.

23 (c) The Secretary shall furnish technical assistance
24 under this chapter through existing agencies and through
25 private individuals, firms, and institutions. In the case of

1 assistance furnished through private individuals, firms, and
2 institutions (including private consulting services), the
3 Secretary may share the cost thereof (but not more than 75
4 percent of such cost may be borne by the United States).

5 **SEC. 254. FINANCIAL ASSISTANCE.**

6 (a) The Secretary may provide to a firm, on such
7 terms and conditions as he determines to be appropri-
8 ate, such financial assistance in the form of direct loans
9 or guarantees of loans as in his judgment will materi-
10 ally contribute to the economic adjustment of the firm. The
11 assumption of an outstanding indebtedness of the firm, with
12 or without recourse, shall be considered to be the making of
13 a loan for purposes of this section.

14 (b) Loans or guarantees of loans shall be made under
15 this chapter only for the purpose of making funds available
16 to the firm—

17 (1) for acquisition, construction, installation, mod-
18 ernization, development, conversion, or expansion of
19 land, plant, buildings, equipment, facilities, or machin-
20 ery, or

21 (2) to supply such working capital as may be nec-
22 essary to enable the firm to implement its adjustment
23 proposal.

24 (c) To the extent that loan funds can be obtained from
25 private sources (with or without a guarantee) at the rate

1 provided in the first sentence of section 255(b), no direct
2 loan shall be provided to a firm under this chapter.

3 **SEC. 255. CONDITIONS FOR FINANCIAL ASSISTANCE.**

4 (a) No financial assistance shall be provided under this
5 chapter unless the Secretary determines—

6 (1) that the funds required are not available from
7 the firm's own resources; and

8 (2) that there is reasonable assurance of repay-
9 ment of the loan.

10 (b) In the case of guaranteed loans, the guaranteed
11 portion of the loan shall not bear interest at a rate higher
12 than the maximum rate permissible in the case of loans to
13 small businesses which are guaranteed by the Small Busi-
14 ness Administration. The rate of interest on direct loans
15 shall be the prevailing rate authorized for loans to small
16 businesses by the Small Business Administration.

17 (c) The Secretary shall make no loan or guarantee of a
18 loan having a maturity in excess of 25 years, including re-
19 newals and extensions. Such limitation on maturities shall
20 not, however, apply—

21 (1) to securities or obligations received by the Sec-
22 retary as claimant in bankruptcy or equitable reorganiza-
23 tion, or as creditor in other proceedings attendant upon
24 insolvency of the obligor, or

25 (2) to an extension or renewal for an additional

1 period not exceeding 10 years, if the Secretary deter-
2 mines that such extension or renewal is reasonably neces-
3 sary for the orderly liquidation of the loan.

4 (d) In making guarantees of loans, and in making
5 direct loans, the Secretary shall give priority to firms which
6 are small businesses within the meaning of the Small Busi-
7 ness Act (and regulations promulgated thereunder).

8 (e) No loan shall be guaranteed by the Secretary in an
9 amount which exceeds 90 percent of that portion of the
10 loan made for purposes specified in section 254(b).

11 (f) The Secretary shall maintain operating reserves
12 with respect to anticipated claims under guarantees made
13 under this chapter. Such reserves shall be considered to con-
14 stitute obligations for purposes of section 1311 of the Supple-
15 mental Appropriation Act, 1955 (31 U.S.C. 200).

16 (g) (1) The aggregate amount of loans made to any
17 firm which are guaranteed under this chapter and which are
18 outstanding at any time shall not exceed $3,000,000.

19 (2) The aggregate amount of direct loans made to any
20 firm under this chapter which are outstanding at any time
21 shall not exceed $1,000,000.

22 **SEC. 256. DELEGATION OF FUNCTIONS TO SMALL BUSI-**
23 **NESS ADMINISTRATION; AUTHORIZATION OF**
24 **APPROPRIATIONS.**

25 (a) In the case of any firm which is a small business

1 (within the meaning of the Small Business Act and regula-
2 tions promulgated thereunder), the Secretary may delegate
3 all or any part of his functions under this chapter (other than
4 the functions under section 251 with respect to the cer-
5 tification of eligibility) to the Administrator of the Small
6 Business Administration.

7 (b) There are hereby authorized to be appropriated to
8 the Secretary such sums as may be necessary from time to
9 time to carry out his functions under this chapter in con-
10 nection with furnishing adjustment assistance to firms, which
11 sums are authorized to be appropriated to remain available
12 until expended.

13 **SEC. 257. ADMINISTRATION OF FINANCIAL ASSISTANCE.**

14 (a) In making and administering guarantees and loans
15 under section 254, the Secretary may—

16 (1) require security for any such guarantee or
17 loan, and enforce, waive, or subordinate such security;

18 (2) assign or sell at public or private sale, or other-
19 wise dispose of, upon such terms and conditions and for
20 such consideration as he shall determine to be reason-
21 able, any evidence of debt, contract, claim, personal
22 property, or security assigned to or held by him in
23 connection with such guarantees or loans, and collect,
24 compromise, and obtain deficiency judgments with re-
25 spect to all obligations assigned to or held by him in

1 connection with such guarantees or loans until such
2 time as such obligations may be referred to the At-
3 torney General for suit or collection;
4 (3) renovate, improve, modernize, complete, in-
5 sure, rent, sell, or otherwise deal with, upon such terms
6 and conditions and for such consideration as he shall
7 determine to be reasonable, any real or personal prop-
8 erty conveyed to or otherwise acquired by him in con-
9 nection with such guarantees or loans;
10 (4) acquire, hold, transfer, release, or convey any
11 real or personal property or any interest therein when-
12 ever deemed necessary or appropriate, and execute all
13 legal documents for such purposes; and
14 (5) exercise all such other powers and take all such
15 other acts as may be necessary or incidental to the
16 carrying out of functions pursuant to section 254.
17 (b) Any mortgage acquired as security under sub-
18 section (a) shall be recorded under applicable State law.
19 **SEC. 258. PROTECTIVE PROVISIONS.**
20 (a) Each recipient of adjustment assistance under this
21 chapter shall keep records which fully disclose the amount
22 and disposition by such recipient of the proceeds, if any,
23 of such adjustment assistance, and which will facilitate an
24 effective audit. The recipient shall also keep such other
25 records as the Secretary may prescribe.

1 (b) The Secretary and the Comptroller General of
2 the United States shall have access for the purpose of audit
3 and examination to any books, documents, papers, and
4 records of the recipient pertaining to adjustment assistance
5 under this chapter.

6 (c) No adjustment assistance under this chapter shall
7 be extended to any firm unless the owners, partners, or
8 officers certify to the Secretary—

9 (1) the names of any attorneys, agents, and other
10 persons engaged by or on behalf of the firm for the
11 purpose of expediting applications for such adjustment
12 assistance; and

13 (2) the fees paid or to be paid to any such person.

14 (d) No financial assistance shall be provided to any
15 firm under this chapter unless the owners, partners, or of-
16 ficers shall execute an agreement binding them and the firm
17 for a period of 2 years after such financial assistance is pro-
18 vided, to refrain from employing, tendering any office or
19 employment to, or retaining for professional services any
20 person who, on the date such assistance or any part thereof
21 was provided, or within 1 year prior thereto, shall have
22 served as an officer, attorney, agent, or employee occupying
23 a position or engaging in activities which the Secretary
24 shall have determined involve discretion with respect to the
25 provision of such financial assistance.

1 **SEC. 259. PENALTIES.**

2 Whoever makes a false statement of a material fact
3 knowing it to be false, or knowingly fails to disclose a mate-
4 rial fact, or whoever willfully overvalues any security, for
5 the purpose of influencing in any way the action of the
6 Secretary under this chapter, or for the purpose of obtaining
7 money, property, or anything of value under this chapter,
8 shall be fined not more than $5,000 or imprisoned for not
9 more than 2 years, or both.

10 **SEC. 260. SUITS.**

11 In providing technical and financial assistance under
12 this chapter the Secretary may sue and be sued in any court
13 of record of a State having general jurisdiction or in any
14 United States district court, and jurisdiction is conferred upon
15 such district court to determine such controversies without
16 regard to the amount in controversy; but no attachment, in-
17 junction, garnishment, or other similar process, mesne or
18 final, shall be issued against him or his property. Nothing in
19 this section shall be construed to except the activities pur-
20 suant to sections 253 and 254 from the application of sec-
21 tions 516, 547, and 2679 of title 28 of the United States
22 Code.

23 **SEC. 261. DEFINITIONS.**

24 For purposes of this chapter, the term "firm" includes
25 an individual proprietorship, partnership, joint venture, asso-

1 ciation, corporation (including a development corpora-
2 tion), business trust, cooperative, trustee in bankruptcy, and
3 receiver under decree of any court. A firm, together with any
4 predecessor or successor firm, or any affiliated firm controlled
5 or substantially beneficially owned by substantially the same
6 persons, may be considered a single firm where necessary
7 to prevent unjustifiable benefits.

8 **SEC. 262. REGULATIONS.**

9 The Secretary shall prescribe such regulations as may
10 be necessary to carry out the provisions of this chapter.

11 **SEC. 263. TRANSITIONAL PROVISIONS.**

12 (a) In any case where a firm or its representative has
13 filed a petition with the Tariff Commission under section
14 301 (a) (2) of the Trade Expansion Act of 1962, and the
15 Tariff Commission has not made its determination under sec-
16 tion 301 (c) of that Act before the date of the enactment
17 of this Act, such firm may reapply under the provisions of
18 section 251 of this Act. In order to assist the Secretary in
19 making his determination under such section 251 with respect
20 to such firm, the Tariff Commission shall make available to
21 the Secretary, on request, data it has acquired with respect
22 to its investigation.

23 (b) If, on the date of the enactment of this Act, the
24 President (or his delegate) has not taken action under sec-
25 tion 302 (c) of the Trade Expansion Act of 1962 with

1 respect to a report of the Tariff Commission containing an
2 affirmative finding under section 301 (c) of that Act or a
3 report with respect to which an equal number of Commis-
4 sioners are evenly divided, the Secretary may treat such
5 report as a certification of eligibility made under section 251
6 of this Act on the date of the enactment of this Act.

7 (c) Any certification of eligibility of a firm under sec-
8 tion 302 (c) of the Trade Expansion Act of 1962 made
9 before the date of the enactment of this Act shall be treated
10 as a certification of eligibility made under section 251 of
11 this Act on the date of the enactment of this Act; except
12 that any firm whose adjustment proposal was certified under
13 section 311 of the Trade Expansion Act of 1962 before the
14 date of the enactment of this Act may receive adjustment
15 assistance at the level set forth in such certified proposal.

16 **SEC. 264. STUDY BY SECRETARY OF COMMERCE WHEN**
17 **TARIFF COMMISSION BEGINS INVESTIGATION;**
18 **ACTION WHERE THERE IS AFFIRMATIVE**
19 **FINDING.**

20 (a) Whenever the Tariff Commission begins an investi-
21 gation under section 201 with respect to an industry, the
22 Tariff Commission shall immediately notify the Secretary of
23 such investigation, and the Secretary shall immediately begin
24 a study of—

25 (1) the number of firms in the domestic industry

1 producing the like or directly competitive article which
2 have been or are likely to be certified as eligible for
3 adjustment assistance, and
4 (2) the extent to which the orderly adjustment of
5 such firms to the import competition may be facilitated
6 through the use of existing programs.
7 (b) The report of the Secretary of the study under sub-
8 section (a) shall be made to the President not later than
9 15 days after the day on which the Tariff Commission makes
10 its report under section 201. Upon making its report to the
11 President, the Secretary shall also promptly make it public
12 (with the exception of information which the Secretary
13 determines to be confidential) and shall have a summary
14 of it published in the Federal Register.
15 (c) Whenever the Tariff Commission makes an affirma-
16 tive finding under section 201 (b) that increased imports
17 are a substantial cause of serious injury or threat there-
18 of with respect to an industry, the Secretary shall make
19 available, to the extent feasible, full information to the firms
20 in such industry about programs which may facilitate the
21 orderly adjustment to import competition of such firms, and
22 he shall provide assistance in the preparation and processing
23 of petitions and applications of such firms for program bene-
24 fits.

TITLE III—RELIEF FROM UNFAIR TRADE PRACTICES

CHAPTER 1—FOREIGN IMPORT RESTRICTIONS AND EXPORT SUBSIDIES

SEC. 301. RESPONSES TO CERTAIN TRADE PRACTICES OF FOREIGN GOVERNMENTS.

(a) Whenever the President determines that a foreign country or instrumentality—

(1) maintains unjustifiable or unreasonable tariff or other import restrictions which impair the value of trade commitments made to the United States or which burden, restrict, or discriminate against United States commerce,

(2) engages in discriminatory or other acts or policies which are unjustifiable or unreasonable and which burden or restrict United States commerce, or

(3) provides subsidies (or other incentives having the effect of subsidies) on its exports of one or more products to the United States or to other foreign markets which have the effect of substantially reducing sales of the competitive United States product or products in the United States or in those other foreign markets,

the President shall take all appropriate and feasible steps within his power to obtain the elimination of such restrictions or subsidies, and he—

1 (A) may suspend, withdraw, or prevent the appli-
2 cation of, or may refrain from proclaiming, benefits of
3 trade agreement concessions to carry out a trade agree-
4 ment with such country or instrumentality; and
5 (B) may impose duties or other import restrictions
6 on the products of such foreign country or instrumentality
7 for such time as he deems appropriate.
8 (b) In determining what action to take under subsection
9 (a), the President shall consider the relationship of such
10 action to the international obligations of the United States
11 and to the purposes stated in section 2. Any action taken
12 under subsection (a) may be on a nondiscriminatory treat-
13 ment basis or otherwise; except that, in the case of a restric-
14 tion, act, policy, or practice of any foreign country or instru-
15 mentality which is unreasonable but not unjustifiable, the
16 action taken under subsection (a) shall be taken only with
17 respect to such country or instrumentality.
18 (c) The President in making a determination under
19 this section, may take action under subsection (a) (3)
20 with respect to the exports of a product to the United
21 States by a foreign country or instrumentality if—
22 (1) the Secretary of the Treasury has found that
23 such country or instrumentality provides subsidies (or
24 other incentives having the effect of subsidies) on such
25 exports;
26 (2) the Tariff Commission has found that such

1 exports to the United States have the effect of substan-
2 tially reducing sales of the competitive United States
3 product or products in the United States; and
4 (3) the President finds that the Antidumping
5 Act, 1921, and section 303 of the Tariff Act of 1930
6 are inadequate to deter such practices.
7 (d) The President shall provide an opportunity for the
8 presentation of views concerning the import restrictions,
9 acts, policies, or practices referred to in paragraph (1), (2),
10 or (3) of subsection (a). Upon request by any interested
11 person, the President shall provide for appropriate public
12 hearings with respect to such restrictions, acts, policies, or
13 practices after reasonable notice, and he shall provide for
14 the issuance of regulations concerning the conduct of hear-
15 ings under this subsection and subsection (e).
16 (e) Before the President takes any action under sub-
17 section (a) with respect to the import treatment of any
18 product—
19 (1) he shall provide an opportunity for the pres-
20 entation of views concerning the taking of action with
21 respect to such product,
22 (2) upon request by any interested person, he
23 shall provide for appropriate public hearings with re-
24 spect to the taking of action with respect to such prod-
25 uct, and
26 (3) he may request the Tariff Commission for its

1 views as to the probable impact on the economy of the
2 United States of the taking of action with respect to
3 such product.

4 **SEC. 302. PROCEDURE FOR CONGRESSIONAL DISAPPROVAL**
5 **OF CERTAIN ACTIONS TAKEN UNDER SEC-**
6 **TION 301.**

7 (a) Whenever the President takes any action under
8 subparagraph (A) or (B) of section 301 (a), he shall
9 promptly transmit to the House of Representatives and to
10 the Senate a document setting forth the action which he has
11 so taken, together with his reasons therefor.

12 (b) If, before the close of the 90-day period beginning
13 on the day on which the copy of the document referred to in
14 subsection (a) is delivered to the House of Representatives
15 and to the Senate, either the House of Representatives or the
16 Senate adopts, by an affirmative vote of a majority of those
17 present and voting in that House, a resolution of disapproval
18 under the procedures set forth in section 151, then such
19 action under section 301 (a) shall have no force and effect
20 beginning with the day after the date of the adoption of such
21 resolution of disapproval.

22 **CHAPTER 2—ANTIDUMPING DUTIES**

23 **SEC. 321. AMENDMENTS TO THE ANTIDUMPING ACT OF**
24 **1921.**

25 (a) Section 201 (b) of the Antidumping Act, 1921 (19
26 U.S.C. sec. 160 (b)), is amended to read as follows:

1 "(b) In the case of any imported merchandise of a class
2 or kind as to which the Secretary has not so made public a
3 finding, he shall, within six months, or in more complicated
4 investigations within nine months, after the question of dump-
5 ing was raised by or presented to him or any person to whom
6 authority under this section has been delegated—
7 "(1) determine whether there is reason to believe
8 or suspect, from the invoice or other papers or from
9 information presented to him or to any other person to
10 whom authority under this section has been delegated,
11 that the purchase price is less, or that the exporter's
12 sales price is less or likely to be less, than the foreign
13 market value (or, in the absence of such value, than
14 the constructed value); and
15 "(2) if his determination is affirmative, publish a
16 notice of that fact in the Federal Register, and require,
17 under such regulations as he may prescribe, the with-
18 holding of appraisement as to such merchandise entered,
19 or withdrawn from warehouse for consumption, on or
20 after the date of publication of that notice in the Federal
21 Register (unless the Secretary determines that the with-
22 holding should be made effective as of an earlier date not
23 more than one hundred and twenty days before the ques-
24 tion of dumping was raised by or presented to him or any
25 person to whom authority under this section has been
26 delegated, in which case the effective date of the with-

1 holding shall be such earlier date), until the further order
2 of the Secretary, or until the Secretary has made public
3 a finding as provided for in subsection (a) in regard to
4 such merchandise; or
5 "(3) if his determination is negative (or if he
6 tentatively determines that the investigation should be dis-
7 continued), publish notice of that fact in the Federal
8 Register, but the Secretary may within three months
9 thereafter order the withholding of appraisement if he
10 then has reason to believe or suspect, from the invoice or
11 other papers or from information presented to him or to
12 any other person to whom authority under this section
13 has been delegated, that the purchase price is less, or that
14 the exporter's sales price is less or likely to be less, than
15 the foreign market value (or, in the absence of such
16 value, than the constructed value) and such order of
17 withholding of appraisement shall be subject to the pro-
18 visions of paragraph (2). If no withholding of appraise-
19 ment is ordered within such three-month period, the
20 Secretary shall, not later than the close of such period,
21 issue a determination terminating or discontinuing the
22 investigation.
23 For purposes of this subsection, the question of dumping shall
24 be deemed to have been raised or presented on the date on
25 which a notice is published in the Federal Register that
26 information relative to dumping has been received in accord-

1 ance with regulations prescribed by the Secretary."

2 (b) Section 201 (c) of the Antidumping Act, 1921 (19

3 U.S.C. sec. 160 (c)), is amended to read as follows:

4 "(c) (1) Before making any determination pursuant to

5 subsection (a) of this section, the Secretary or the Tariff

6 Commission, as the case may be, shall conduct a hearing at

7 which—

8 "(A) any foreign manufacturer or exporter or

9 domestic importer of the foreign merchandise in question

10 shall have the right to appear by counsel or in person;

11 and

12 "(B) any other person, firm, or corporation may

13 make application and, upon good cause shown, may be

14 allowed by the Secretary or the Tariff Commission, as

15 the case may be, to intervene and appear at such hearing

16 by counsel or in person.

17 "(2) The Secretary, upon determining whether for-

18 eign merchandise is being, or is likely to be, sold in the

19 United States at less than its fair value, and the Tariff

20 Commission, upon making its determination under subsec-

21 tion (a), shall publish in the Federal Register such deter-

22 mination, whether affirmative or negative, together with a

23 statement of findings and conclusions, and the reasons or

24 bases therefor, on all the material issues of fact or law pre-

25 sented.

26 "(3) The hearings provided for under this section shall

1 be exempt from sections 554, 555, 556, 557, and 702 of
2 title 5 of the United States Code. The transcript of any
3 hearing, together with all information developed in connec-
4 tion with the investigation (other than items to which confi-
5 dential treatment has been granted by the Secretary or the
6 Tariff Commission, as the case may be), shall be made
7 available in the manner and to the extent provided in section
8 552 (b) of such title 5."

9 (c) Section 203 of the Antidumping Act, 1921 (19
10 U.S.C. sec. 162), is amended to read as follows:

11 "PURCHASE PRICE

12 "SEC. 203. For the purposes of this title, the purchase
13 price of imported merchandise shall be the price at which
14 such merchandise has been purchased or agreed to be pur-
15 chased, prior to the time of exportation, by the person by
16 whom or for whose account the merchandise is imported,
17 plus, when not included in such price, the cost of all con-
18 tainers and coverings and all other costs, charges, and ex-
19 penses incident to placing the merchandise in condition,
20 packed ready for shipment to the United States, less the
21 amount, if any, included in such price, attributable to any
22 additional costs, charges, and expenses, and United States
23 import duties, incident to bringing the merchandise from the
24 place of shipment in the country of exportation to the place
25 of delivery in the United States; and less the amount, if in-
26 cluded in such price, of any export tax imposed by the coun-

1 try of exportation on the exportation of the merchandise to
2 the United States; and plus the amount of any import duties
3 imposed by the country of exportation which have been re-
4 bated, or which have not been collected, by reason of the
5 exportation of the merchandise to the United States; and
6 plus the amount of any taxes imposed in the country of ex-
7 portation directly upon the exported merchandise or compo-
8 nents thereof, which have been rebated, or which have not
9 been collected, by reason of the exportation of the merchan-
10 dise to the United States, but only to the extent that such
11 taxes are added to or included in the price of such or similar
12 merchandise when sold in the country of exportation; and
13 plus the amount of any taxes rebated or not collected, by
14 reason of the exportation of the merchandise to the United
15 States, which rebate or noncollection has been determined
16 by the Secretary to be a bounty or grant within the meaning
17 of section 303 of the Tariff Act of 1930."

18 (d) Section 204 of the Antidumping Act, 1921 (19
19 U.S.C. sec. 163), is amended to read as follows:

20 "EXPORTER'S SALES PRICE

21 "SEC. 204. For the purposes of this title, the exporter's
22 sale price of imported merchandise shall be the price at which
23 such merchandise is sold or agreed to be sold in the United
24 States, before or after the time of importation, by or for the
25 account of the exporter, plus, when not included in such
26 price, the cost of all containers and coverings and all other

1 costs, charges, and expenses incident to placing the mer-
2 chandise in condition, packed ready for shipment to the
3 United States, less (1) the amount, if any, included in such
4 price, attributable to any additional costs, charges, and ex-
5 penses, and United States import duties, incident to bringing
6 the merchandise from the place of shipment in the country
7 of exportation to the place of delivery in the United States,
8 (2) the amount of the commissions, if any, for selling in the
9 United States the particular merchandise under considera-
10 tion, (3) an amount equal to the expenses, if any, generally
11 incurred by or for the account of the exporter in the United
12 States in selling identical or substantially identical merchan-
13 dise, (4) the amount of any export tax imposed by the
14 country of exportation on the exportation of the merchandise
15 to the United States, and (5) the amount of any increased
16 value, including additional material and labor, resulting from
17 a process of manufacture or assembly performed on the
18 imported merchandise after the importation of the mer-
19 chandise and before its sale to a person who is not the
20 exporter of the merchandise within the meaning of section
21 207; and plus the amount of any import duties imposed
22 by the country of exportation which have been rebated, or
23 which have not been collected, by reason of the exportation
24 of the merchandise to the United States; and plus the amount
25 of any taxes imposed in the country of exportation directly
26 upon the exported merchandise or components thereof, which

1 have been rebated, or which have not been collected, by
2 reason of the exportation of the merchandise to the United
3 States, but only to the extent that such taxes are added to
4 or included in the price of such or similar merchandise when
5 sold in the country of exportation; and plus the amount of
6 any taxes rebated, or not collected, by reason of the exporta-
7 tion of the merchandise to the United States, which rebate
8 or noncollection has been determined by the Secretary to be
9 a bounty or grant within the meaning of section 303 of the
10 Tariff Act of 1930."

11 (e) Section 205 of the Antidumping Act, 1921 (19
12 U.S.C. sec 164), is amended by adding "(a)" immediately
13 before the word "For", and by adding at the end thereof the
14 following new subsections:

15 "(b) Whenever the Secretary has reasonable grounds
16 to believe or suspect that sales in the home market of the
17 country of exportation, or, as appropriate, to countries other
18 than the United States, have been made at prices which rep-
19 resent less than the cost of producing the merchandise in
20 question, he shall determine whether, in fact, such sales
21 were made at less than the cost of producing the merchandise.
22 If the Secretary determines that sales made at less than cost
23 of production (1) have been made over an extended period
24 of time and in substantial quantities, and (2) are not at prices
25 which permit recovery of all costs within a reasonable period
26 of time in the normal course of trade, such sales shall be dis-

1 regarded in the determination of foreign market value. When-
2 ever sales are disregarded by virtue of having been made at
3 less than the cost of production and the remaining sales, made
4 at not less than cost of production, are determined to be in-
5 adequate as a basis for the determination of foreign market
6 value, the Secretary shall determine that no foreign market
7 value exists and employ the constructed value of the merchan-
8 dise in question.

9 "(c) If available information indicates to the Secretary
10 that the economy of the country from which the merchandise
11 is exported is state-controlled to an extent that sales or
12 offers of sales of such or similar merchandise in that coun-
13 try or to countries other than the United States do not
14 permit a determination of foreign market value under sub-
15 section (a), the Secretary shall determine the foreign
16 market value of the merchandise on the basis of the normal
17 costs, expenses, and profits as reflected by either—

18 "(1) the prices, determined in accordance with sub-
19 section (a) and section 202, at which such or similar
20 merchandise of a non-state-controlled-economy country
21 or countries is sold either (A) for consumption in the
22 home market of that country or countries, or (B) to
23 other countries, including the United States; or

24 "(2) the constructed value of such or similar mer-
25 chandise in a non-state-controlled-economy country or
26 countries as determined under section 206."

1 (f) Section 213 (3) of the Antidumping Act, 1921 (19
2 U.S.C. sec. 170a (3)), is amended by striking out subpara-
3 graphs (B), (D), and (F), and by redesignating subpara-
4 graphs (C) and (E) as subparagraphs (B) and (C), re-
5 spectively.

6 (g) (1) The amendments made by subsections (a) and
7 (b) of this section shall apply with respect to all questions
8 of dumping raised or presented on or after the date of the
9 enactment of this Act.

10 (2) The amendments made by subsections (c) through
11 (f) of this section shall apply with respect to all merchandise
12 which is not appraised on or before the date of the enact-
13 ment of this Act; except that such amendments shall not
14 apply with respect to any merchandise which—

15 (A) was exported from the country of exportation
16 before such date of the enactment, and

17 (B) is subject to a finding under the Antidumping
18 Act, 1921, which (i) is outstanding on such date of
19 enactment, or (ii) was revoked on or before such date
20 of enactment but is still applicable to such merchandise.

21 **CHAPTER 3—COUNTERVAILING DUTIES**

22 **SEC. 331. AMENDMENTS TO SECTIONS 303 AND 516 OF THE**
23 **TARIFF ACT OF 1930.**

24 (a) Section 303 of the Tariff Act of 1930 (19 U.S.C.
25 sec. 1303) is amended to read as follows:

1 **"SEC. 303. COUNTERVAILING DUTIES.**

2 "(a) LEVY OF COUNTERVAILING DUTIES.—(1) When-
3 ever any country, dependency, colony, province, or other
4 political subdivision of government, person, partnership, as-
5 sociation, cartel, or corporation, shall pay or bestow, directly
6 or indirectly, any bounty or grant upon the manufacture
7 or production or export of any article or merchandise manu-
8 factured or produced in such country, dependency, colony,
9 province, or other political subdivision of government, then
10 upon the importation of such article or merchandise into
11 the United States, whether the same shall be imported di-
12 rectly from the country of production or otherwise, and
13 whether such article or merchandise is imported in the same
14 condition as when exported from the country of production
15 or has been changed in condition by remanufacture or other-
16 wise, there shall be levied and paid, in all such cases, in
17 addition to any duties otherwise imposed, a duty equal to
18 the net amount of such bounty or grant, however the same
19 be paid or bestowed. The Secretary of the Treasury shall
20 determine within twelve months after the date on which the
21 question is presented to him whether any bounty or grant
22 is being paid or bestowed.

23 "(2) In the case of any imported article or merchandise
24 which is free of duty, duties may be imposed under this sec-
25 tion only if there is an affirmative determination by the Tariff

1 Commission under subsection (b) (1); except that such a
2 Tariff Commission determination shall be required only for
3 such time as a determination of injury is required by the
4 international obligations of the United States.

5 "(3) The Secretary of the Treasury shall from time to
6 time ascertain and determine, or estimate, the net amount
7 of each such bounty or grant, and shall declare the net
8 amount so determined or estimated.

9 "(4) Whenever, in the case of any imported article or
10 merchandise as to which the Secretary has not determined
11 whether a bounty or grant is being paid or bestowed, the
12 Secretary concludes, from information presented to him or
13 to any person to whom authority under this section has
14 been delegated, that a formal investigation into the question
15 of whether a bounty or grant is being paid or bestowed is
16 warranted, he shall forthwith publish notice of the initiation
17 of such an investigation in the Federal Register. The date
18 of publication of such notice shall be considered the date on
19 which the question is presented to the Secretary within the
20 meaning of subsection (a) (1).

21 "(5) The Secretary of the Treasury shall make all
22 regulations he may deem necessary for the identification of
23 such articles and merchandise and for the assessment and
24 collection of the duties under this section. All determina-
25 tions by the Secretary under this section, and all determina-

1 tions by the Tariff Commission under subsection (b) (1)
2 (whether affirmative or negative), shall be published in the
3 Federal Register.

4 "(b) INJURY DETERMINATIONS WITH RESPECT TO
5 DUTY-FREE MERCHANDISE; SUSPENSION OF LIQUIDA-
6 TION.—(1) Whenever the Secretary of the Treasury has
7 determined under subsection (a) that a bounty or grant is
8 being paid or bestowed with respect to any article or mer-
9 chandise which is free of duty, he shall—

10 "(A) so advise the United States Tariff Commis-
11 sion, and the Commission shall determine within three
12 months thereafter, and after such investigation as it
13 deems necessary, whether an industry in the United
14 States is being or is likely to be injured, or is prevented
15 from being established, by reason of the importation of
16 such article or merchandise into the United States; and
17 the Commission shall notify the Secretary of its deter-
18 mination; and

19 "(B) require, under such regulations as he may
20 prescribe, the suspension of liquidation as to such article
21 or merchandise entered, or withdrawn from warehouse,
22 for consumption, on or after the thirtieth day after the
23 date of the publication in the Federal Register of his de-
24 termination under subsection (a) (1), and such suspen-
25 sion of liquidation shall continue until the further order

1 of the Secretary or until he has made public an order as
2 provided for in paragraph (3) of this subsection.
3 "(2) For the purposes of this subsection, the Tariff
4 Commission shall be deemed to have made an affirmative de-
5 termination if the Commissioners of such Commission voting
6 are evenly divided as to whether its determination should be
7 in the affirmative or in the negative.
8 "(3) If the determination of the Tariff Commission
9 under paragraph (1) (A) is in the affirmative, the Secre-
10 tary shall make public an order directing the assessment and
11 collection of duties in the amount of such bounty or grant as
12 is from time to time ascertained and determined, or esti-
13 mated, under subsection (a).
14 "(c) APPLICATION OF AFFIRMATIVE DETERMINA-
15 TION.—An affirmative determination by the Secretary of
16 the Treasury under subsection (a) (1) with respect to any
17 imported article or merchandise shall apply with respect
18 to articles entered, or withdrawn from warehouse, for con-
19 sumption on or after the thirtieth day after the date of the
20 publication in the Federal Register of such determination.
21 In the case of any imported article or merchandise which
22 is free of duty, so long as a finding of injury is required by
23 the international obligations of the United States, the pre-
24 ceding sentence shall apply only if the Tariff Commission

1 makes an affirmative determination of injury under subsec-
2 tion (b) (1).

3 "(d) ARTICLES SUBJECT TO QUANTITATIVE LIMITA-
4 TIONS.—Whenever the Secretary determines, after seeking
5 information and advice from such agencies as he may deem
6 appropriate, that any article is subject to a quantitative limi-
7 tation imposed by the United States on its importation into,
8 or subject to an effective quantitative limitation on its ex-
9 portation to, the United States and that such quantitative
10 limitation is an adequate substitute for the imposition of a
11 duty under this section, the imposition of an additional duty
12 under this section shall not be required.

13 "(e) TEMPORARY PROVISION WHILE NEGOTIATIONS
14 ARE IN PROCESS.—If, after seeking information and advice
15 from such agencies as he may deem appropriate, the Secre-
16 tary determines, at any time before the day which is four
17 years after the date of the enactment of this subsection, that
18 the imposition of an additional duty under this section with
19 respect to any article would be likely to seriously jeopardize
20 the satisfactory completion of the negotiations contem-
21 plated by sections 101 and 102 of the Trade Reform Act of
22 1973, the imposition of such additional duty under this sec-
23 tion with respect to such article shall not be required. In
24 the case of a question presented on or after the day which
25 is one year after the date of the enactment of this Act, this

1 subsection shall not apply with respect to any article which
2 is the product of facilities owned or controlled by a devel-
3 oped country if the investment in, or the operation of, such
4 facilities, is subsidized."

5 (b) Section 516 of the Tariff Act of 1930 (19 U.S.C.
6 sec. 1516) is amended to read as follows:

7 **"SEC. 516. PETITIONS BY AMERICAN MANUFACTURERS,**
8 **PRODUCERS, OR WHOLESALERS.**

9 "(a) The Secretary shall, upon written request by an
10 American manufacturer, producer, or wholesaler, furnish the
11 classification, the rate of duty, and the additional duty de-
12 scribed in section 303 of this Act (hereinafter in this section
13 referred to as 'countervailing duties'), if any, imposed upon
14 designated imported merchandise of a class or kind manu-
15 factured, produced, or sold at wholesale by him. If such
16 manufacturer, producer, or wholesaler believes that the ap-
17 praised value is too low, that the classification is not correct,
18 that the proper rate of duty is not being assessed, or that
19 countervailing duties should be assessed, he may file a peti-
20 tion with the Secretary setting forth (1) a description of
21 the merchandise, (2) the appraised value, the classification,
22 or the rate or rates of duty that he believes proper, and (3)
23 the reasons for his belief including, in appropriate instances,
24 the reasons for his belief that countervailing duties should be
25 assessed.

1 "(b) If, after receipt and consideration of a petition
2 filed by an American manufacturer, producer, or whole-
3 saler, the Secretary decides that the appraised value of the
4 merchandise is too low, that the classification of the article
5 or rate of duty assessed thereon is not correct, or that coun-
6 tervailing duties should be assessed, he shall determine the
7 proper appraised value or classification, rate of duty, or
8 countervailing duties, and shall notify the petitioner of his
9 determination. Except for countervailing duty purposes, all
10 such merchandise entered for consumption or withdrawn
11 from warehouse for consumption more than thirty days after
12 the date such notice to the petitioner is published in the
13 weekly Customs Bulletin shall be appraised or classified
14 or assessed as to rate of duty in accordance with the Secre-
15 tary's determination. For countervailing duty purposes, the
16 procedures set forth in section 303 shall apply.
17 "(c) If the Secretary decides that the appraised value
18 or classification of the articles or the rate of duty with
19 respect to which a petition was filed pursuant to subsection
20 (a) is correct, or that countervailing duties should not be
21 assessed, he shall so inform the petitioner. If dissatisfied with
22 the decision of the Secretary, the petitioner may file with
23 the Secretary, not later than thirty days after the date of
24 the decision, notice that he desires to contest the appraised
25 value or classification of, or rate of duty assessed upon or

1 the failure to assess countervailing duties upon, the merchan-
2 dise. Upon receipt of notice from the petitioner, the Secre-
3 tary shall cause publication to be made of his decision as to
4 the proper appraised value or classification or rate of duty
5 or that countervailing duties should not be assessed and of
6 the petitioner's desire to contest, and shall thereafter furnish
7 the petitioner with such information as to the entries and con-
8 signees of such merchandise, entered after the publication
9 of the decision of the Secretary at such ports of entry desig-
10 nated by the petitioner in his notice of desire to contest, as
11 will enable the petitioner to contest the appraised value or
12 classification of, or rate of duty imposed upon or failure to
13 assess countervailing duties upon, such merchandise in the
14 liquidation of one such entry at such port. The Secretary
15 shall direct the appropriate customs officer at such ports to
16 notify the petitioner by mail immediately when the first of
17 such entries is liquidated."

18 (c) (1) Except as provided in paragraph (2), the
19 amendments made by subsection (a) shall take effect on
20 the date of the enactment of this Act.

21 (2) The last sentence of section 303 (a) (1) of the
22 Tariff Act of 1930 (as added by subsection (a) of this
23 section) shall apply only with respect to questions presented
24 on or after the date of the enactment of this Act.

25 (3) Any article which is entered or withdrawn from

1 warehouse free of duty as a result of action taken under title
2 V of this Act shall be considered a nondutiable article for
3 purposes of section 303 of the Tariff Act of 1930, as amended
4 (19 U.S.C. sec. 1303).

5 CHAPTER 4—UNFAIR IMPORT PRACTICES

6 SEC. 341. AMENDMENTS TO SECTION 337 OF THE TARIFF 7 ACT OF 1930.

8 (a) Section 337 of the Tariff Act of 1930 (19 U.S.C.
9 sec. 1337) is amended by redesignating subsection (h) as
10 subsection (i) and by inserting immediately after subsec-
11 tion (g) the following new subsection:

12 "(h) UNITED STATES PATENTS.—The foregoing pro-
13 visions of subsections (c) through (g) do not apply with
14 respect to alleged unfair methods of competition and unfair
15 acts based upon the claims of United States letters patent.
16 Such alleged violations shall be dealt with by the commis-
17 sion as hereinafter provided:

18 "(1) Whenever the commission has reason to be-
19 lieve from the evidence in its possession that any article
20 entered into the United States in violation of this section
21 would, in the absence of exclusion, result in immediate
22 and substantial harm, the Secretary of the Treasury
23 shall, upon the commission's order in writing, exclude
24 such articles from entry until an investigation by the
25 commission may be completed; except that such articles

1 shall be entitled to entry under bond prescribed by the
2 Secretary.
3 "(2) Whenever the existence of any such unfair
4 method or act shall be established to the satisfaction of
5 the commission, the commission shall order that the ar-
6 ticles concerned in such unfair methods or acts, imported
7 by any person violating the provisions of this section, shall
8 be excluded from entry into the United States, and upon
9 information of such action by the commission, the Secre-
10 tary of the Treasury shall, through the proper officers,
11 refuse such entry. The decision of the commission shall
12 be final.
13 "(3) Any refusal of entry under this section shall
14 continue in effect until the commission shall find and in-
15 struct the Secretary of the Treasury that the conditions
16 which led to such refusal of entry no longer exist.
17 "(4) Any order entered pursuant to this subsection
18 shall be made on the record after opportunity for a full
19 hearing, including the opportunity to present legal de-
20 fenses. Any person adversely affected by an action of the
21 commission or refusal of the commission to act shall have
22 the right to seek judicial review in the United States
23 Court of Customs and Patent Appeals within such time
24 after said action is made and in such manner as appeals

1 may be taken from decisions of the United States Cus-
2 toms Court."
3 (b) Subsection (a) of such section 337 is amended by
4 striking out "by the President".
5 (c) Subsection (b) of such section 337 is amended by
6 striking out "To assist the President in making any decisions
7 under this section the" and inserting in lieu thereof "The".

8 TITLE IV—TRADE RELATIONS WITH 9 COUNTRIES NOT ENJOYING 10 NONDISCRIMINATORY TREAT- 11 MENT

12 SEC. 401. EXCEPTION OF THE PRODUCTS OF CERTAIN 13 COUNTRIES OR AREAS.

14 Except as otherwise provided in this title, the President
15 shall continue to deny nondiscriminatory treatment to the
16 products of any country, the products of which were not
17 eligible for column 1 tariff treatment on the date of the
18 enactment of this Act.

19 SEC. 402. FREEDOM OF EMIGRATION IN EAST-WEST TRADE.

20 (a) To assure the continued dedication of the United
21 States to fundamental human rights, and notwithstanding
22 any other provision of law, on or after the date of the enact-
23 ment of this Act products from any nonmarket economy
24 country shall not be eligible to receive nondiscriminatory
25 treatment (most-favored-nation treatment), and the Presi-

1 dent of the United States shall not conclude any commer-
2 cial agreement with any such country, during the period
3 beginning with the date on which the President determines
4 that such country—

5 (1) denies its citizens the right or opportunity to
6 emigrate;

7 (2) imposes more than a nominal tax on emigra-
8 tion or on the visas or other documents required for
9 emigration, for any purpose or cause whatsoever; or

10 (3) imposes more than a nominal tax, levy, fine,
11 fee, or other charge on any citizen as a consequence
12 of the desire of such citizen to emigrate to the country
13 of his choice,

14 and ending on the date on which the President determines
15 that such country is no longer in violation of paragraph (1),
16 (2), or (3).

17 (b) After the date of the enactment of this Act, (A)
18 products of a nonmarket economy country may be eligible
19 to receive nondiscriminatory treatment (most-favored-nation
20 treatment) and (B) the President may conclude a com-
21 mercial agreement with such country, only after the President
22 has submitted to the Congress a report indicating that such
23 country is not in violation of paragraph (1), (2), or (3)
24 of subsection (a). Such report with respect to such country
25 shall include information as to the nature and implementation

1 of emigration laws and policies and restrictions or discrim-
2 ination applied to or against persons wishing to emigrate.
3 The report required by this subsection shall be submitted
4 initially as provided herein and, with current information, on
5 or before each June 30 and December 31 thereafter so
6 long as such treatment received or such agreement is in effect.
7 (c) This section shall not apply to any country the
8 products of which are eligible for column 1 tariff treatment
9 on the date of the enactment of this Act.

10 **SEC. 403. EXTENSION OF NONDISCRIMINATORY TREAT-**
11 **MENT.**

12 (a) The President may by proclamation extend nondis-
13 criminatory treatment to the products of a foreign country
14 which—
15 (1) has entered into a bilateral commercial agree-
16 ment referred to in section 404, or
17 (2) has become a party to an appropriate multi-
18 lateral trade agreement to which the United States is
19 also a party.
20 No such proclamation may take effect before the close of the
21 applicable 90-day period referred to in section 406(c).
22 (b) The application of nondiscriminatory treatment
23 shall be limited to the period of effectiveness of the obliga-
24 tions of the United States to such country under such bi-
25 lateral commercial agreement or multilateral agreement. In

1 addition, in the case of any foreign country receiving non-
2 discriminatory treatment pursuant to this title which has en-
3 tered into an agreement with the United States regarding
4 the settlement of lend-lease reciprocal aid and claims, the
5 application of such nondiscriminatory treatment shall be lim-
6 ited to periods during which such country is not in arrears
7 on its obligations under such agreement.

8 (c) The President may at any time suspend or with-
9 draw any extension of nondiscriminatory treatment to any
10 country pursuant to subsection (a), and thereby cause all
11 products of such country to be dutiable at the column 2 rate.

12 **SEC. 404. AUTHORITY TO ENTER INTO COMMERCIAL**
13 **AGREEMENTS.**

14 (a) Subject to the provisions of subsections (b) and
15 (d) of this section, the President may authorize the entry
16 into force of bilateral commercial agreements providing
17 nondiscriminatory treatment to the products of countries
18 heretofore denied such treatment whenever he determines
19 that such agreements with such countries will promote the
20 purposes of this Act and are in the national interest.

21 (b) Any such bilateral commercial agreement shall—

22 (1) be limited to an initial period specified in the
23 agreement which shall be no more than 3 years from the
24 date the agreement enters into force; except that it may

1 be renewable for additional periods, each not to exceed
2 3 years; if—
3 (A) a satisfactory balance of trade concessions
4 has been maintained during the life of each agree-
5 ment, and
6 (B) the President determines that actual or
7 foreseeable reductions in United States tariffs and
8 nontariff barriers to trade resulting from multilat-
9 eral negotiations are satisfactorily reciprocated by
10 the other party to the bilateral agreement;
11 (2) provide that it is subject to suspension or termi-
12 nation at any time for national security reasons, or that
13 the other provisions of such agreement shall not limit the
14 rights of any party to take any action for the protection
15 of its security interests;
16 (3) provide safeguard arrangements necessary to
17 prevent disruption of domestic markets;
18 (4) if the other party to the bilateral agreement is
19 not a party to the Paris Convention for the Protection of
20 Industrial Property, provide rights for United States na-
21 tionals with respect to patents in such country not less
22 than the rights specified in such convention;
23 (5) provide arrangements for the settlement of com-
24 mercial differences and disputes; and
25 (6) provide for consultations for the purpose of re-

1 viewing the operation of the agreement and relevant as-
2 pects of relations between the United States and the
3 other party.

4 (c) Bilateral commercial agreements referred to in
5 subsection (a) may, in addition, include provisions
6 concerning—

7 (1) arrangements for the protection of industrial
8 rights and processes, trademarks, and copyrights;

9 (2) arrangements for the promotion of trade, in-
10 cluding those for the establishment or expansion of
11 trade and tourist promotion offices, for facilitation of
12 activities of governmental commercial officers, partic-
13 ipation in trade fairs and exhibits and the sending of
14 trade missions, and for facilitation of entry, establish-
15 ment, and travel of commercial representatives; and

16 (3) such other arrangements of a commercial
17 nature as will promote the purposes stated in section 2.

18 (d) An agreement referred to in subsection (a), and a
19 proclamation referred to in section 403 (a), shall take effect
20 only if, during the 90-day period referred to in section 406
21 (c), a disapproval resolution referred to in section 151 is
22 not adopted.

23 **SEC. 405. MARKET DISRUPTION.**

24 (a) A petition may be filed, or a Tariff Commission
25 investigation otherwise initiated, under section 201 of this Act

1 in respect of imports of an article manufactured or produced
2 in a country, the products of which are receiving nondis-
3 criminatory treatment pursuant to this title, in which case
4 the Tariff Commission shall determine (in lieu of the deter-
5 mination described in section 201 (b) of this Act) whether
6 imports of such article produced in such country are causing
7 or are likely to cause market disruption and material injury
8 to a domestic industry producing like or directly competitive
9 articles.

10 (b) For purposes of sections 202 and 203, an affirma-
11 tive determination of the Tariff Commission pursuant to
12 subsection (a) of this section shall be treated as an affirma-
13 tive determination of the Tariff Commission pursuant to sec-
14 tion 201 (b) of this Act; except that the President, in taking
15 action pursuant to section 203 (b), may adjust imports of
16 the article from the country in question without taking ac-
17 tion in respect of imports from other countries.

18 (c) For purposes of this section, market disruption
19 exists whenever imports of a like or directly competitive
20 article are substantial, are increasing rapidly both absolutely
21 and as a proportion of total domestic consumption, and are
22 offered at prices substantially below those of comparable
23 domestic articles.

1 **SEC. 406. PROCEDURE FOR CONGRESSIONAL DISAPPROVAL**
2 **OF EXTENSION OR CONTINUANCE OF NONDIS-**
3 **CRIMINATORY TREATMENT.**

4 (a) Whenever the President issues a proclamation
5 under section 403 extending nondiscriminatory treatment to
6 the products of any foreign country, he shall promptly trans-
7 mit to the House of Representatives and to the Senate a
8 document setting forth the proclamation and the agreement
9 the proclamation proposes to implement, together with his
10 reasons therefor.

11 (b) On or before December 31 of each year, the Pres-
12 ident shall transmit to the Congress, with respect to each
13 foreign country the products of which are receiving nondis-
14 criminatory treatment under this title, a document containing
15 the report required by section 402 (b) to be submitted on or
16 before December 31.

17 (c) If, before the close of the 90-day period beginning
18 on the day on which the copy of the document referred to
19 in subsection (a) or (b) is delivered to the House of Rep-
20 resentatives and to the Senate, either the House of Repre-
21 sentatives or the Senate adopts, by an affirmative vote of a
22 majority of those present and voting in that House, a reso-
23 lution of disapproval (under the procedures set forth in sec-

1 tion 151) of the extension of nondiscriminatory treatment to
2 the products of such country or for the continuing in effect
3 of nondiscriminatory treatment with respect to such products,
4 as the case may be, then, beginning with the day after the
5 date of the adoption of such resolution of disapproval, non-
6 discriminatory treatment shall not be in force with respect
7 to the products of such country, and the products of such
8 country shall be dutiable at the column 2 rate.

9 **SEC. 407. EFFECTS ON OTHER LAWS.**

10 The President shall from time to time reflect in general
11 headnote 3 (e) of the Tariff Schedules of the United States
12 the provisions of this title and proclamations issued there-
13 under, as appropriate.

14 TITLE V—GENERALIZED SYSTEM 15 OF PREFERENCES

16 **SEC. 501. AUTHORITY TO EXTEND PREFERENCES.**

17 The President may provide duty-free treatment for any
18 eligible article from any beneficiary developing country in
19 accordance with the provisions of this title. In taking any
20 such action, the President shall have due regard for—

21 (1) the effect such action will have on furthering
22 the economic development of developing countries;

23 (2) the extent to which other major developed
24 countries are undertaking a comparable effort to assist
25 developing countries by granting generalized preferences

1 with respect to imports of products of such countries;
2 and
3 (3) the anticipated impact of such action on United
4 States producers of like or directly competitive products.

5 **SEC. 502. BENEFICIARY DEVELOPING COUNTRY.**

6 (a) (1) For purposes of this title, the term "beneficiary
7 developing country" means any country with respect to
8 which, as of the date of entry or withdrawal from warehouse
9 for consumption, there is in effect an Executive order by the
10 President of the United States designating such country as a
11 beneficiary developing country for purposes of this title.
12 Before the President designates any country as a beneficiary
13 developing country for purposes of this title, he shall notify
14 the House of Representatives and the Senate of his inten-
15 tion to make such designation, together with the considera-
16 tions entering into such decision.

17 (2) If the President has designated any country as a
18 beneficiary developing country for purposes of this title, he
19 shall not terminate such designation (either by issuing an
20 Executive order for that purpose or by issuing an Executive
21 order which has the effect of terminating such designation)
22 unless, at least 30 days before such termination, he has
23 notified the House of Representatives and the Senate of his
24 intention to terminate such designation, together with the
25 considerations entering into such decision.

1 (3) For purposes of this title, the term "country" means
2 any foreign country, any overseas dependent territory or
3 possession of a foreign country, any insular possession of the
4 United States, or the Trust Territory of the Pacific Islands.
5 In the case of any association of countries for trade purposes
6 no member of which is barred from designation under sub-
7 section (b), the President may by Executive order provide
8 that all members of such association shall be treated as one
9 country for purposes of this title.

10 (b) No designation shall be made under this section
11 with respect to any of the following:

12 Australia	Japan
13 Austria	Monaco
14 Canada	New Zealand
15 Czechoslovakia	Norway
16 European Economic Com-	Poland
17 munity member states	Republic of South Africa
18 Finland	Sweden
19 Germany (East)	Switzerland
20 Hungary	Union of Soviet Socialist
21 Iceland	Republics

22 In addition, the President shall not designate any country a
23 beneficiary developing country under this section—

24 (1) if the products of such country do not receive
25 nondiscriminatory treatment by reason of general head-

1 note 3 (e) to the Tariff Schedules of the United States;
2 or
3 (2) if such country affords preferential treatment
4 to the products of a developed country other than the
5 United States, unless the President has received assur-
6 ances satisfactory to him that such preferential treatment
7 will be eliminated before January 1, 1976.
8 (c) In determining whether to designate any country
9 a beneficiary developing country under this section, the
10 President shall take into account—
11 (1) an expression by such country of its desire
12 to be so designated;
13 (2) the level of economic development of such
14 country, including its per capita gross national product,
15 the living standards of its inhabitants, and any other
16 economic factors which he deems appropriate;
17 (3) whether or not the other major developed
18 countries are extending generalized preferential tariff
19 treatment to such country; and
20 (4) whether or not such country has nationalized,
21 expropriated, or seized ownership or control of prop-
22 erty owned by a United States citizen, or by any cor-
23 poration, partnership, or association not less than 50
24 percent beneficially owned by citizens of the United

1 States, without provision for the payment of prompt,
2 adequate, and effective compensation.

3 **SEC. 503. ELIGIBLE ARTICLES.**

4 (a) The President shall, from time to time, publish
5 and furnish the Tariff Commission with lists of articles which
6 may be considered for designation as eligible articles for
7 purposes of this title. Before any such list is furnished to the
8 Tariff Commission, there shall be in effect an Executive order
9 under section 502 designating beneficiary developing coun-
10 tries. Before any action is taken under section 501 to provide
11 duty-free treatment for any article, the provisions of sections
12 131, 132, 133, and 134 of this Act shall be complied with
13 as though action under section 501 were action under section
14 101 of this Act to carry out a trade agreement entered into
15 under section 101.

16 (b) The duty-free treatment provided under section 501
17 with respect to any eligible article shall apply only—

18 (1) to an article which is imported directly from
19 a beneficiary developing country into the customs terri-
20 tory of the United States; and

21 (2) if the sum of (A) the cost or value of the
22 materials produced in the beneficiary developing country
23 plus (B) the direct costs of processing operations per-
24 formed in the beneficiary developing country equal or
25 exceed the prescribed percentage of the appraised value

1 of the article at the time of its entry into the customs ter-
2 ritory of the United States.

3 (c) (1) For purposes of subsection (b) (2), the pre-
4 scribed percentage shall be that percentage, not less than 35
5 percent and not more than 50 percent of the appraised value,
6 prescribed by the Secretary of the Treasury by regulations.
7 Such percentage, which may be modified from time to time,
8 shall apply uniformly to all articles from all beneficiary de-
9 veloping countries.

10 (2) The Secretary of the Treasury shall prescribe such
11 regulations as may be necessary to carry out this subsection
12 and subsection (b).

13 (d) No article shall be an eligible article for purposes
14 of this title for any period during which such article is the
15 subject of any action proclaimed pursuant to section 203
16 of this Act or section 351 of the Trade Expansion Act of
17 1962.

18 **SEC. 504. LIMITATIONS ON PREFERENTIAL TREATMENT.**

19 (a) The President may withdraw, suspend, or limit the
20 application of the duty-free treatment accorded under section
21 501 with respect to any article or with respect to any coun-
22 try; except that no rate of duty may be established in re-
23 spect of any article pursuant to this section other than the
24 rate which would apply but for this title. In taking any ac-

1 tion under this subsection, the President shall consider the
2 factors set forth in sections 501 and 502 (c).
3 (b) The President shall withdraw or suspend the desig-
4 nation of any country as a beneficiary developing country if,
5 after such designation—
6 (1) the products of such country are excluded from
7 the benefit of nondiscriminatory treatment by reason of
8 general headnote 3 (e) to the Tariff Schedules of the
9 United States; or
10 (2) he determines that such country has not elim-
11 inated or will not eliminate preferential treatment ac-
12 corded by it to the products of a developed country other
13 than the United States before January 1, 1976.
14 (c) Whenever the President determines that any coun-
15 try—
16 (1) has exported (directly or indirectly) to the
17 United States a quantity of such article having an ap-
18 praised value of more than $25,000,000 during any cal-
19 endar year, or
20 (2) has exported (either directly or indirectly) to
21 the United States a quantity of any article equal to or
22 exceeding 50 percent of the value of the total imports
23 of such article into the United States during any calendar
24 year,
25 then, not later than 60 days after the close of such calendar

1 year, such country shall not be treated as a beneficiary de-
2 veloping country with respect to such article unless, on or
3 before such 60th day, the President determines and publishes
4 that it is in the national interest to designate, or to continue
5 the designation of, such country as a beneficiary developing
6 country with respect to such article.

7 (d) No action pursuant to section 501 may affect any
8 tariff duty imposed by the Legislature of Puerto Rico pur-
9 suant to section 319 of the Tariff Act of 1930 (19 U.S.C.
10 sec. 1319) on coffee imported into Puerto Rico.

11 **SEC. 505. TIME LIMIT ON TITLE; COMPREHENSIVE RE-**
12 **VIEW.**

13 (a) No duty-free treatment under this title shall remain
14 in effect after the date which is 10 years after the date of
15 the enactment of this Act.

16 (b) On or before the date which is 5 years after the
17 date of the enactment of this Act, the President shall submit
18 to the Congress a full and complete report of the operation
19 of this title.

20 TITLE VI—GENERAL PROVISIONS

21 **SEC. 601. DEFINITIONS.**

22 For purposes of this Act—

23 (1) The term "duty" includes the rate and form
24 of any import duty, including but not limited to tariff-
25 rate quotas.

1 (2) The term "other import restriction" includes a
2 limitation, prohibition, charge, and exaction other than
3 duty, imposed on importation or imposed for the regula-
4 tion of importation. The term does not include any
5 orderly marketing agreement.
6 (3) The term "ad valorem" includes ad valorem
7 equivalent. Whenever any limitation on the amount by
8 which or to which any rate of duty may be decreased
9 or increased pursuant to a trade agreement is expressed
10 in terms of an ad valorem percentage, the ad valorem
11 amount taken into account for purposes of such limita-
12 tion shall be determined by the President on the basis
13 of the value of imports of the articles concerned during
14 the most recent period, before the date on which the
15 trade agreement is entered into, determined by him to
16 be representative.
17 (4) The term "ad valorem equivalent" means the
18 ad valorem equivalent of a specific rate or, in the case
19 of a combination of rates including a specific rate, the
20 sum of the ad valorem equivalent of the specific rate
21 and of the ad valorem rate. The ad valorem equivalent
22 shall be determined by the President on the basis of the
23 value of imports of the article concerned during the most
24 recent period determined by him to be representative.
25 In determining the value of imports, the President shall

1 utilize, to the maximum extent practicable, the standards
2 of valuation contained in section 402 or 402a of the
3 Tariff Act of 1930 (19 U.S.C. sec. 1401a or 1402)
4 applicable to the article concerned during such repre-
5 sentative period.

6 (5) An imported article is "directly competitive
7 with" a domestic article at an earlier or later stage of
8 processing, and a domestic article is "directly competi-
9 tive with" an imported article at an earlier or later stage
10 of processing, if the importation of the article has an
11 economic effect on producers of the domestic article
12 comparable to the effect of importation of articles in the
13 same stage of processing as the domestic article. For
14 purposes of this paragraph, the unprocessed article is at
15 an earlier stage of processing.

16 (6) The term "modification", as applied to any
17 duty or other import restriction, includes the elimination
18 of any duty or other import restriction.

19 (7) The term "existing" without the specification
20 of any date, when used with respect to any matter relat-
21 ing to entering into or carrying out a trade agreement
22 or other action authorized by this Act, means existing
23 on the day on which such trade agreement is entered
24 into or such other action is taken, and, when referring
25 to a rate of duty, refers to the nonpreferential rate of

1 duty (however established, and even though tempo-
2 rarily suspended by Act of Congress or otherwise) exist-
3 ing in column 1 of the Tariff Schedules of the United
4 States on such day.

5 (8) A product of a country or area is an article
6 which is the growth, produce, or manufacture of such
7 country or area.

8 (9) The term "nondiscriminatory treatment"
9 means most-favored-nation treatment.

10 **SEC. 602. RELATION TO OTHER LAWS.**

11 (a) The second and third sentences of section 2 (a) of
12 the Act entitled "An Act to amend the Tariff Act of 1930,"
13 approved June 12, 1934, as amended (19 U.S.C. sec. 1352
14 (a)), are each amended by striking out "this Act or the
15 Trade Expansion Act of 1962" and inserting in lieu thereof
16 "this Act or the Trade Expansion Act of 1962 or the Trade
17 Reform Act of 1973".

18 (b) Section 242 of the Trade Expansion Act of 1962 is
19 amended as follows:

20 (1) by striking out "351 and 352" in subsection
21 (a) and inserting in lieu thereof "201, 202, and 203 of
22 the Trade Reform Act of 1973";

23 (2) by striking out "with respect to tariff adjust-
24 ment" in subsection (b) (2);

(3) by striking out "301 (e)" in subsection (b) (2) and inserting in lieu thereof "201 (d) of the Trade Reform Act of 1973";

(4) by striking out "concerning foreign import restrictions" in subsection (b) (3); and

(5) by striking out "section 252 (d)" each place it appears and inserting in lieu thereof "subsections (c) and (d) of section 301 of the Trade Reform Act of 1973".

(c) Section 351 (c) (1) (B) of the Trade Expansion Act of 1962 is amended by striking out "unless extended under paragraph (2),".

(d) Sections 202, 211, 212, 213, 221, 222, 223, 224, 225, 226, 231, 241, 243, 252, 253, 254, 255 (a), 256, so much of 301 and 302 as is not repealed by subsection (d), 311 through 315, 317 (a), 351 (c) (2) and (d) (3), 361, 401, 402, 403, 404, and 405 (1), (3), (4), and (5) of the Trade Expansion Act of 1962 are repealed.

(e) Sections 301 (a) (2) and (3), (c) (2) and (3), (d) (2), (f) (1) and (3), 302 (b) (2), (d) and (e), 321 through 338 of the Trade Expansion Act of 1962 are repealed on the 90th day following the date of the enactment of this Act.

(f) All provisions of law (other than this Act, the

1 Trade Expansion Act of 1962, and the Trade Agreements
2 Extension Act of 1951) in effect after the date of enactment
3 of this Act, referring to section 350 of the Tariff Act of
4 1930, to that section as amended, to the Act entitled "An
5 Act to amend the Tariff Act of 1930," approved June 12,
6 1934, to that Act as amended or to the Trade Expansion
7 Act of 1962, or to agreements entered into, or proclamations
8 issued, or actions taken under any of such provisions, shall
9 be construed, unless clearly precluded by the context, to
10 refer also to this Act, or to agreements entered into or proc-
11 lamations or orders issued, pursuant to this Act.

12 **SEC. 603. TARIFF COMMISSION.**

13 (a) In order to expedite the performance of its func-
14 tions under this Act, the Tariff Commission may conduct
15 preliminary investigations, determine the scope and manner
16 of its proceedings, and consolidate proceedings before it.

17 (b) In performing its functions under this Act, the
18 Tariff Commission may exercise any authority granted to it
19 under any other Act.

20 (c) The Tariff Commission shall at all times keep in-
21 formed concerning the operation and effect of provisions
22 relating to duties or other import restrictions of the United
23 States contained in trade agreements entered into under the
24 trade agreements program.

1 **SEC. 604. CONSEQUENTIAL CHANGES IN THE TARIFF**
2 **SCHEDULES.**

3 The President shall from time to time, as appropriate,
4 embody in the Tariff Schedules of the United States the sub-
5 stance of the relevant provisions of this Act, and of other
6 Acts affecting import treatment, and actions thereunder, in-
7 cluding modification, continuance, or imposition of any rate
8 of duty or other import restriction.

9 **SEC. 605. SEPARABILITY.**

10 If any provision of this Act or the application of any
11 provision to any circumstances or persons shall be held
12 invalid, the validity of the remainder of this Act, and of
13 the application of such provision to other circumstances or
14 persons, shall not be affected thereby.

15 **SEC. 606. INTERNATIONAL DRUG CONTROL.**

16 It is the sense of the Congress that effective international
17 cooperation is necessary to put an end to the illicit production,
18 smuggling, trafficking in, and abuse of dangerous drugs. In
19 order to promote such cooperation, the President shall
20 embargo trade and investment, public and private, with any
21 nation when the President determines that the government
22 of such country has failed to take adequate steps to prevent
23 narcotic drugs and other controlled substances (as defined
24 by the Comprehensive Drug Abuse Prevention and Control

1 Act of 1970 (21 U.S.C. sec. 801 et seq.)) produced or proc-
2 essed, in whole or in part, in such country, or transported
3 through such country, from entering the United States
4 unlawfully. Such suspension shall continue until the Presi-
5 dent determines that the government of such country has
6 taken adequate steps to carry out the purposes of this
7 section.

93D CONGRESS
1ST SESSION

H. R. 10710

A BILL

To promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes.

By Mr. ULLMAN and Mr. SCHNEEBELI

OCTOBER 3, 1973

Referred to the Committee on Ways and Means